

Improvement Res. No. 1421-16

for the vacation of Burr
St. from the xpl of
Elizabeth St. to its northern
terminus WAIVER

Resolution Adopted:

February 16, 1977

Confirmed:

February 16, 1977

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

March 17, 1977

B.O. 161-75

DECLARATORY RESOLUTION NO. 1421-77

for the vacation of Barr Street from the north property line of Elizabeth Street to its northern terminus, also being the south line of said Barr Street previously vacated.

ADOPTED: February 16, 1977

ADVERTISE NOTICE TO PROPERTY OWNERS:

NOTICES MAILED:

HEARING ON CONFIRMATION:

CONFIRMED: February 16, 1977 WAIVER -

ASSESSMENT ROLL ORDERED: Feb. 16, 1977

ASSESSMENT ROLL APPROVED: February 23, 1977

HEARING ON CONFIRMATION OF A. R.: Thurs. Mar. 17, 1977
at 3:30 p.m.

NOTICE SERVED: March 4, 1977

ASSESSMENT ROLL CONFIRMED. March 17, 1977

to D of F

64-128-6

H. I.

2/16/77

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of Barr Street from the north property line of Elizabeth Street to its northern terminus, also being the south line of said Barr Street previously vacated.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Barr Street from the north property line of Elizabeth Street to its northern terminus, also being the south line of said Barr Street previously vacated.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots #2 to #4 Hofers Addition, Lot #28 Burgess Zollinger & Kamms Addition and Lot #7 Mowrers Sub. & Space west of Barr Street. Said Space & Additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

north 14' of the south 147' street
The vacation of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the Southeast Quarter Section thirty-five, Township 31 North, Range 12 East, and lie wholly within the Corporate Limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 16th DAY OF February 19 77.

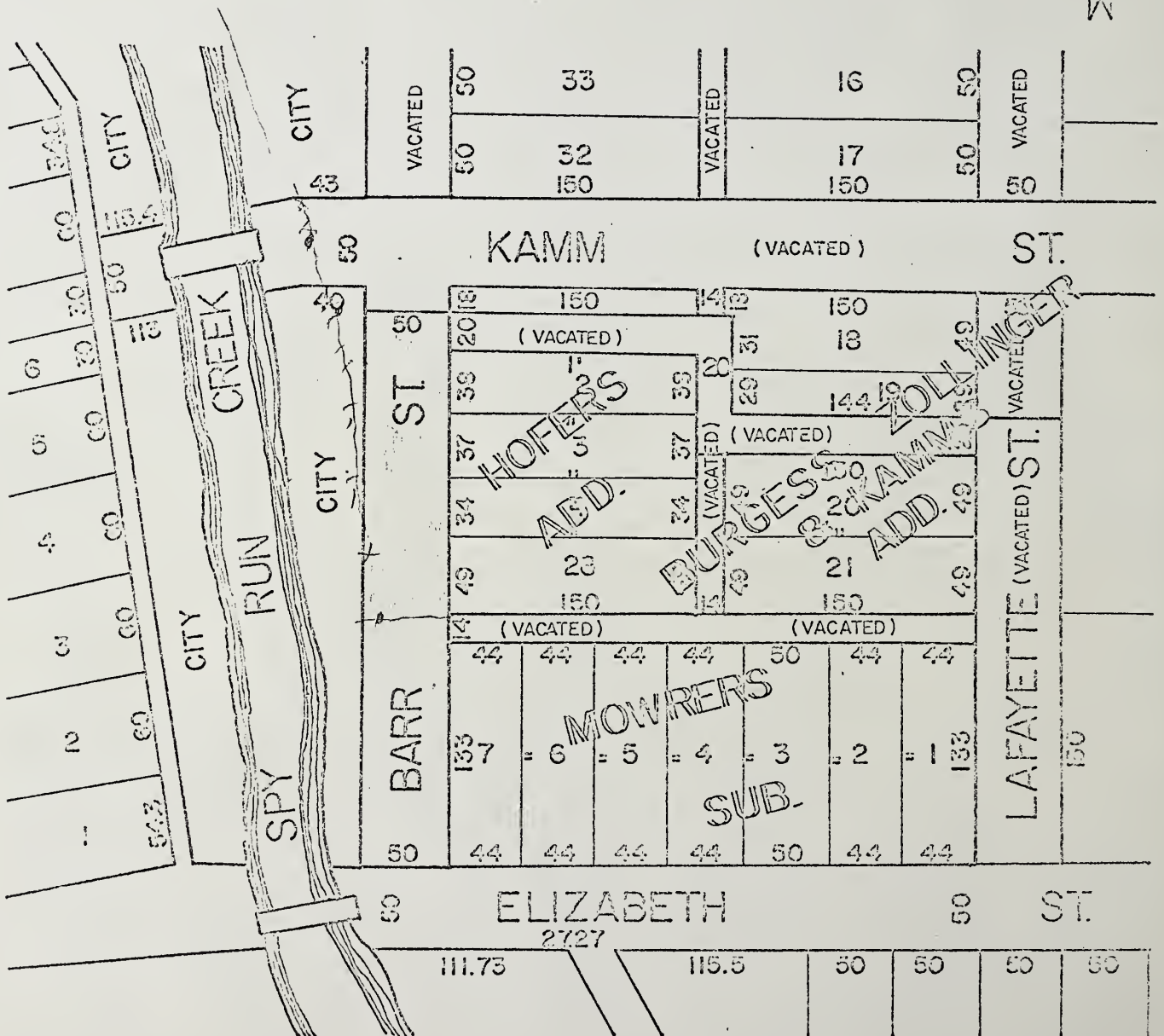
Attest: Nursula Miller
Secretary Board of Public Works.

Edw. H. P. Mar
May A. Scott
Board of Public Works.

PORTION OF

STREET TO BE VACATED

SCALE
1" = 100'



Memorandum

To Patsie Rumsey, City Plan

Date Oct. 15, 1975

From Ron Bonar

Subject Vacation - Barr Street from Elizabeth to Kamm

COPIES TO:

Board of Works

Your request has been reviewed by the engineering departments, and we offer the following comments:

WATER ENGINEERING

Reference letter of 9/22/75 from Don Foland to Mr. William Blackburn (copy attached), items therein should be resolved.

WPC ENGINEERING

Easement required for existing sewer representing the westerly extension of the fourteen foot alley located north of Elizabeth and north of Mowrer's Sub.

STREET ENGINEERING

A special agreement regarding vacations and the City's future plans for expansion in this general area has been discussed with I & M. This should be consummated prior to vacation approval.

STREET LIGHT ENGINEERING

No objections.

TRAFFIC ENGINEERING

Street has no traffic value; however, it is felt it could serve a better community purpose by having it become part of the City property facing Spy Run Creek.



Ron Bonar

RB/st

BOARD OF PUBLIC WORKS

OCT 16 1975

NOTED

☐ J.D.B.

☐ C.E.O.

☐ B.L.N.

Date _____

To Mr. Henry Rosenberg, Chairman Date April 11, 1970
Board of Works
From Robert C. Arnold
Subject Vacation of portion of Barr Street

COPIES TO:

Mr. K. Traylor ✓

A petition from I & M requests the vacation of the portion of Barr Street north of Elizabeth Street. The City owns the adjacent property which is the Spy Run Creek bank.

Please request a quit claim deed from I & M for one half of Barr Street. As I expressed some time ago to the City Plan Commission, it is the policy of the Park Department "to save and preserve our major natural land and water resources including the rivers, riverlands, drainage patterns, large open spaces on the City periphery and smaller natural spaces within the City." We attempt to acquire land in this manner, by bits and pieces, in an attempt to achieve the goal of a continuous river/stream greenway.

RCA/jml

1421

Memorandum

To Howard Biggs, City Engineer
Ken Traylor, Street Engineering Date May 11, 1976
From Henry P. Wehrenberg, Chairman, Board of Works
Subject Vacation - Barr Street from Elizabeth to Kamm

COPIES TO:

*
Dr. J. Owen
Bob Arnold

Attached you will find some additional correspondence received from Mr. Bronke of I&M. He and Mr. Trovinger referred to this as an agreement, but it appears to be a letter from I&M to the City.

Unless the City agrees otherwise, one-half the vacated Barr Street would automatically belong to the City, is this right? It is interesting they would expect the City to pay for fence relocation when and if the riverbank program is formalized and funded.

I did mention the 15' x 300' to them and they were a little surprised. Also, I indicated that would be a different project, I believe they got the point.

It appears we should be in a position for re-negotiation. If you have any additional thoughts or information, please send it to me.

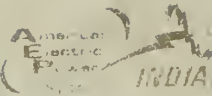
HPW:tg

6/1/76

Dear Jim:

Do you have any comments regarding above? You might want to talk to Mike DeBartolo.

H. P. Wehrenberg



INDIANA & MICHIGAN ELECTRIC COMPANY

November 17, 1975

Mr. Owen Donnelly, Director
Community Planning and Research
City-County Building
Room 980
Fort Wayne, Indiana 46802

Dear Mr. Donnelly:

C
O
P
Y

As you are aware, Indiana & Michigan Electric Company, as the owner of all the properties on the east side of Barr Street north of Elizabeth Street, has petitioned the City for the vacation of said street. In so doing, it has been brought to our attention that the City has plans for a hiking trail along the banks of Spy Run Creek as part of a proposed River Greenway Plan.

It is our understanding that in order to effect such a plan, the City proposes to acquire title to or easements over Spy Run Creek frontage to a minimum of 25 feet from the high-water mark to an optimum of 200 feet. Inasmuch as the subject portion of Barr Street is within 200 feet of said high-water mark, the City is somewhat reluctant to consent to the vacation thereof.

In view of the foregoing and in order to induce the City to consent to and grant said vacation, Indiana & Michigan Electric Company will grant a right-of-way and easement to the City for said proposed Greenway Plan across part of vacated Barr Street as follows:

A part of the southeast quarter of Section 35, Township 31 North, Range 12 East, Washington Township, Fort Wayne, Indiana, and further described as follows: That part of (vacated) North Barr Street beginning at the intersection of the north line of Elizabeth Street and the west line of said North Barr Street; thence extending north along said west line of North Barr Street, a distance of 147 feet; thence extending southeasterly a distance of 155 feet, more or less, to the intersection of the north line of said Elizabeth Street and the east line of said North Barr Street, last said point also being the southwest corner of Lot No. 7 in Mowrer's Subdivision; thence extending west a distance of 50 feet to the place of beginning.

November 17, 1975

Mr. Owen Donnelly, Director

Page Two

Indiana & Michigan Electric Company also recognizes that the City desires to acquire a right-of-way across certain real estate of I & M fronting on Spy Run Creek and commonly referred to as its Spy Run Complex, such strip constituting the real estate west of a line 25 feet equidistant from the top of the high-bank adjacent to an existing I & M chain-link fence running along said creek beginning at a railroad spur on the south and following the meanderings of said creek to the City-owned property along Clinton Street on the north. Upon the formalization of the plans and the funding of such Greenway Project, we will, as a further inducement to the City to grant said vacation, grant a right-of-way and easement, provided, however, that the Indiana & Michigan Electric Company is compensated in full for any and all expenses connected with the transfer or relocation of any equipment or structures, including but not limited to, fences, poles, guylines, towers, lines, railroads and buildings, which would, in the opinion of I & M, be required to be transferred or relocated in the granting of such an easement. Furthermore, we shall set back all proposed future structures a sufficient distance for said strip to avoid unnecessary additional expenses which might otherwise result.

The City has also acknowledged recognition that I & M will be constructing a new tower line to connect to a proposed 138 KV Substation which will necessitate the granting of an easement across City-owned real estate within said Greenway Plan adjacent to the Spy Run Complex. Accordingly, I & M agrees that it will construct such tower an optimum of 25 feet from the top of the bank of Spy Run Creek in return for the granting of such easement by the City.

Very truly yours,

Richard C. Menge
Richard C. Menge
Division Manager

PETITION FOR VACATION OF STREET

Fort Wayne, Indiana

TO: Plan Commission of the City of Fort Wayne
The Common Council of the City of Fort Wayne
The Board of Public Works of the City of Fort Wayne

Gentlemen:

Indiana & Michigan Electric Company, owner of real estate in the City of Fort Wayne, Allen County, Indiana, described as follows:

Lot numbered 7 of Mowrer's Subdivision; lots numbered 1, 2, 3 and 4 of Hofer's Addition; and lot numbered 28 of Burgess, Zollinger & Kamm's Addition, all to the City of Fort Wayne, Indiana;

constituting all the real estate abutting on the east side of the street herein sought to be vacated, respectfully petitions and requests that:

1. The Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following described portions of streets and alleys within the City of Fort Wayne, Allen County, Indiana, to-wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-744).

2. Upon determination that the vacation of said public streets and alleys hereinabove described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana, the Fort Wayne City Plan Commission approve the vacation of the said public streets and alleys hereinabove described pursuant to the provisions of the above-mentioned statute.

3. The Common Council of the City of Fort Wayne enact an ordinance to amend the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council on Novem-

ber 26, 1963, by authorizing the vacation of said public streets and alleys hereinabove described in accordance with the terms of Section 42, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-742), and the aforementioned Section 44 of Chapter 174 of the Acts of 1947.

4. The Board of Public Works of the City of Fort Wayne pass a resolution providing for the vacation of said streets and alleys as hereinabove described in accordance with the terms of Section 93, Chapter 129 of the Acts of 1905, as amended by Section 8, Chapter 188 of the Acts of 1909 and Section 1, Chapter 85 of the Acts of 1913 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-1902) and Section 97, Chapter 129 of the Acts of 1905 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-2001).

Respectfully submitted,

INDIANA & MICHIGAN ELECTRIC COMPANY

By: 

Charles R. Cogdell

LIVINGSTON, DILDINE, HAYNIE & YODER

425 Lincoln Bank Tower

Fort Wayne, Indiana

Attorneys for Indiana &

Michigan Electric Company



THE CITY OF FORT WAYNE

engineering department
7th floor, city-county building
one main street, fort wayne, indiana 46802

March 22, 1976

Patsie Rumsey
City Plan Department

Tom Manny
Traffic Engineer

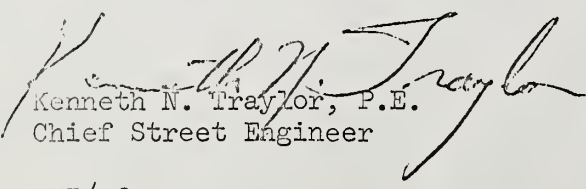
Please submit your opinion and recommendation on the following proposed vacations:

Barr Street from the north property line of Elizabeth Street to its northern terminus, also being the south line of said Barr Street previously vacated.

Vermont Avenue from the east property line of Coliseum Boulevard North to the west property line of Inwood Drive.

Sixteen (16) foot wide utility easement over the east eight (8) feet of Lots #20 & #21 and the east eight (8) feet of Lot #19, except the north 40 feet, and the west eight (8) feet of Lot #22 and the west eight (8) feet of Lot #23, except the north 16.5 feet, all in Hanna Creighton Subdivision, Section 2, as recorded in Plat Book 31, Page 89.

Sincerely,


Kenneth N. Traylor, P.E.
Chief Street Engineer

KNT/mf

Encs.

CC: Board of Public Works
B.O. #158-75, #160-75 & #161-75

OK TO VACATE
EXCEPT BARR ST -
EASEMENT FOR PARK
and a Trade of land on
SPY Run at STATE

RECEIVED

MAR 23 1976

TRAFFIC ENG.

1421

DRAWING ESK-061875
STRUCTURE LOCATION

TOP OF
BANK

PROPOSED
LOCATION OF
STRUCTURE

EXISTING
TOWER #209

ALTERNATE
PROPOSED
LOCATION OF
STRUCTURE

R.R. BRIDGE

DRAWING ESK-030476
STRUCTURE LOCATION

138 KV INDUSTRIAL PARK

SPY RUN
STATION
138 KV BUS

CREEK

RUN

SPY

←

TOP OF BANK

25' HIKING TRAIL

BARR STREET

EASEMENT
TO CITY

PROPOSED LOCATION
OF 138 KV TAKE OFF
TOWERS FOR 138 KV
SPY RUN STATION

ELIZABETH ST.

SK-123075-A

M E M O R A N D U M

DATE: November 26, 1975
TO: Ednam Smith
FROM: Patsie - City Plan
SUBJECT: Barr Street Vacation

Edna:

I have attached:

Petition to vacate

Resolution from the City Plan Commission, which approved
this vacation on November 24, 1975

Communications letter to City Council

Request for Action

Digest Sheet

Map

Letter from Indiana & Michigan

Please assigned a Board Number to this vacation.

Patsie



COMMUNITY DEVELOPMENT AND PLANNING
long range planning and zoning

November 26, 1975

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated.

which was approved by the City Plan Commission at its regular meeting held November 24, 1975.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of November, 1975.

Charles N. Hall
Secretary

pr



REQUEST FOR ACTION

TO: City Attorney David B. Keller
or
Associate City Attorney Mr. Ralph Blume / 344 Utility Building

FROM: (Name, Title & Department) COMMUNITY DEVELOPMENT AND PLANNING
DIVISION OF LONG RANGE PLANNING
AND ZONING
CITY-COUNTY BUILDING
ONE MAIN STREET
FORT WAYNE, INDIANA 46802

Approved by _____
(Person authorized to forward legal work)

November 26, 1975

Date: _____
Subject: Street Vacation Ordinance
(File subject designation)

* * * * *

File # Assigned by Records Librarian

Date: _____

* * * * *

Action Requested: Preparation of an ordinance for street vacation
for introduction into Council.

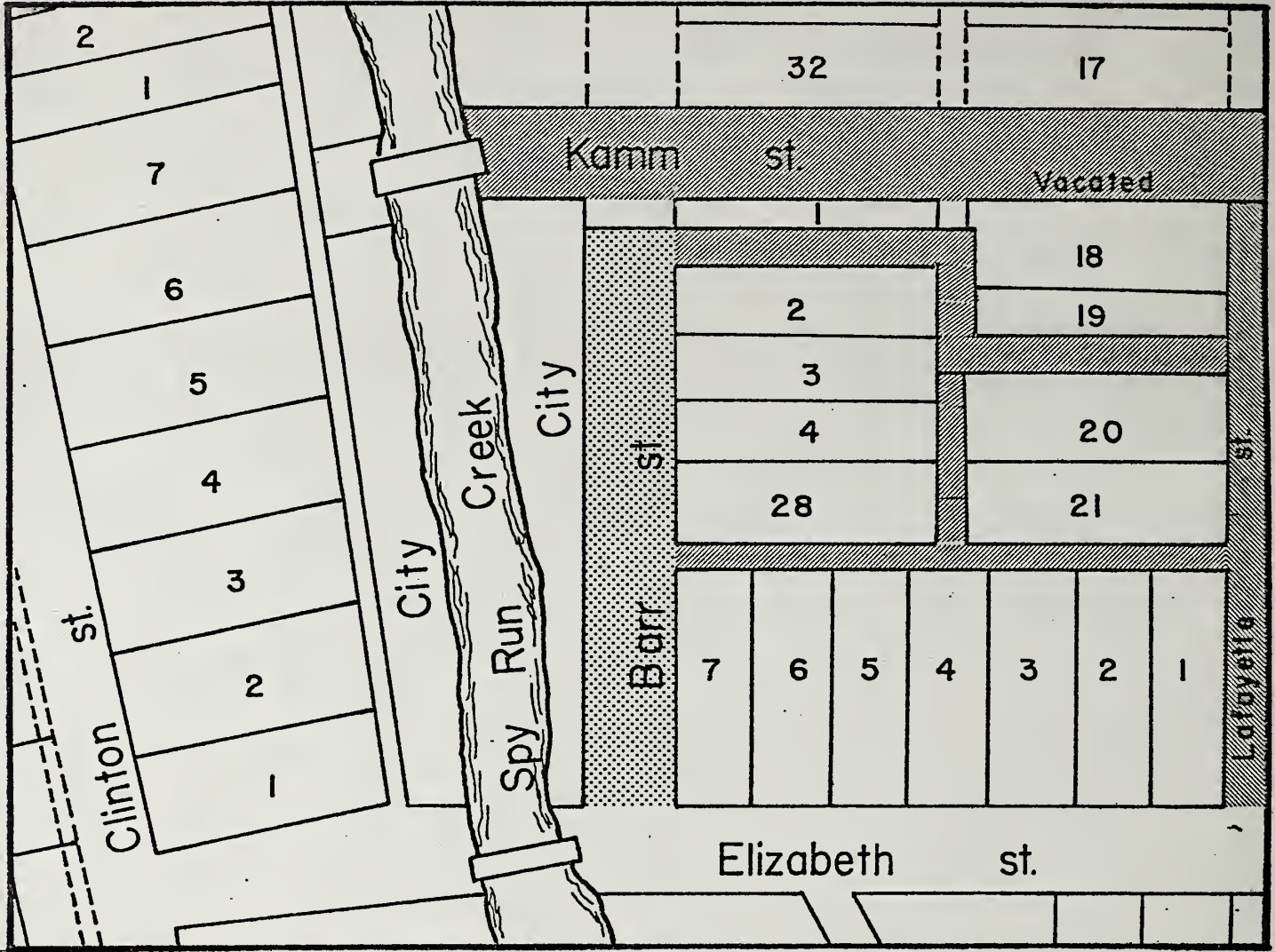
(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

DIGEST SHEET

TITLE OF ORDINANCE Street vacation ordinanceDEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSIONSYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the following
described street:That portion of Barr Street from the north right-of-way line of Elizabeth
Street, north to a point 18 feet south of the south line of Vacated KammStreet. The northerly terminus also being the south line of said Barr Street
previously vacated.EFFECT OF PASSAGE When vacation, street will be utilized by abutting
property owners.EFFECT OF NON-PASSAGE Street will remain as is.MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____



▨ To be Vacated

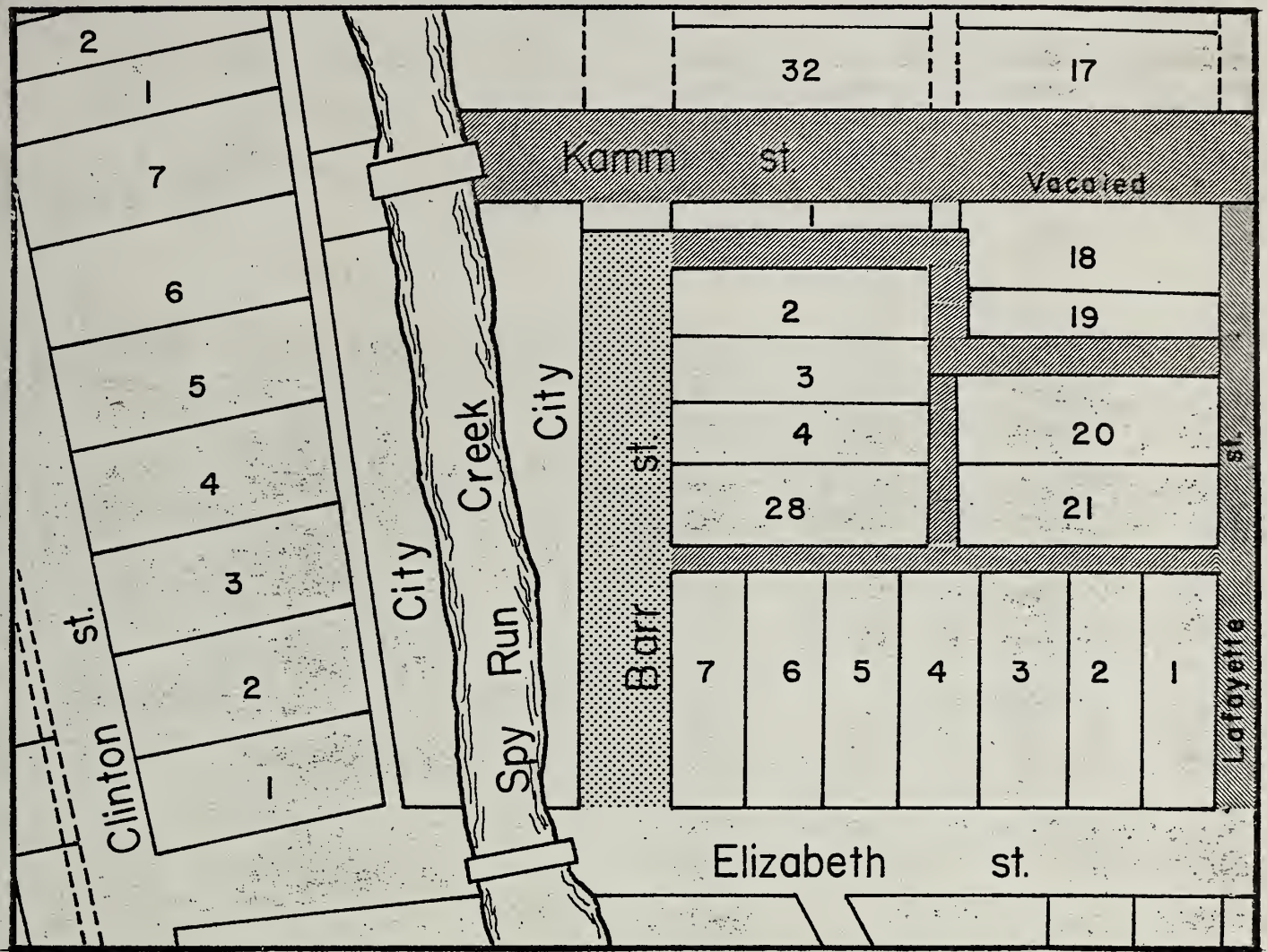
■ Vacated


10-7-75


A-5

L.S.





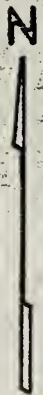
 To be Vacated

 Vacated

10-7-75

A-5

L.S.



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 161-1975

Date December 2, 1975

To Street Engineering

Subject Vacation - Barr Street from Elizabeth to Kamm

Attached is a copy of a petition being submitted to City Plan for their action.

When this has been approved by City Council, please prepare Resolution and necessary documents for Board's action.

Dr. Jerry D. Boswell
Carl E. O'Neal
Betty Lou Nault
BOARD OF PUBLIC WORKS

/bt

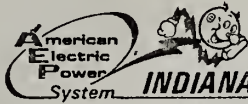
Attachment: Petition

cc: *Patsy*

Signed _____

Reply: _____

Signed _____



INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

November 17, 1975

Mr. Owen Donnelly, Director
Community Planning and Research
City-County Building
Room 980
Fort Wayne, Indiana 46802

Dear Mr. Donnelly:

As you are aware, Indiana & Michigan Electric Company, as the owner of all the properties on the east side of Barr Street north of Elizabeth Street, has petitioned the City for the vacation of said street. In so doing, it has been brought to our attention that the City has plans for a hiking trail along the banks of Spy Run Creek as part of a proposed River Greenway Plan.

It is our understanding that in order to effect such a plan, the City proposes to acquire title to or easements over Spy Run Creek frontage to a minimum of 25 feet from the high-water mark to an optimum of 200 feet. Inasmuch as the subject portion of Barr Street is within 200 feet of said high-water mark, the City is somewhat reluctant to consent to the vacation thereof.

In view of the foregoing and in order to induce the City to consent to and grant said vacation, Indiana & Michigan Electric Company will grant a right-of-way and easement to the City for said proposed Greenway Plan across part of vacated Barr Street as follows:

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INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

November 17, 1975

Mr. Owen Donnelly, Director

Page Two

Indiana & Michigan Electric Company also recognizes that the City desires to acquire a right-of-way across certain real estate of I & M fronting on Spy Run Creek and commonly referred to as its Spy Run Complex, such strip constituting the real estate west of a line 25 feet equidistant from the top of the high-bank adjacent to an existing I & M chain-link fence running along said creek beginning at a railroad spur on the south and following the meanderings of said creek to the City-owned property along Clinton Street on the north. Upon the formalization of the plans and the funding of such Greenway Project, we will, as a further inducement to the City to grant said vacation, grant a right-of-way and easement, provided, however, that the Indiana & Michigan Electric Company is compensated in full for any and all expenses connected with the transfer or relocation of any equipment or structures, including but not limited to, fences, poles, guylines, towers, lines, railroads and buildings, which would, in the opinion of I & M, be required to be transferred or relocated in the granting of such an easement. Furthermore, we shall set back all proposed future structures a sufficient distance for said strip to avoid unnecessary additional expenses which might otherwise result.

The City has also acknowledged recognition that I & M will be constructing a new tower line to connect to a proposed 138 KV Substation which will necessitate the granting of an easement across City-owned real estate within said Greenway Plan adjacent to the Spy Run Complex. Accordingly, I & M agrees that it will construct such tower an optimum of 25 feet from the top of the bank of Spy Run Creek in return for the granting of such easement by the City.

Very truly yours,

Richard C. Menge
Division Manager

J. Lepore

CITY ENGINEER

OCT 01 1975

M E M O R A N D U M

DATE: September 30, 1975

TO: Board of Works
Ron Bonar
Tom Manny
Bob Arnold
John Kent

FROM: Patsie - City Plan

SUBJECT: Vacation of a portion of Barr Street

Petitioners are requesting the vacation of that Portion of Barr Street extending north from the north right-of-way of Elizabeth Street to the north right-of-way of the east-west alley, south of vacated Kamm Drive.

1. See attached map
2. See attached previous memos regarding this vacation
3. Please submit your comments and recommendations

Thanks

Patsie

Eng Chiefs - Pls advise

*R
10/1*

I have no objection to this vacation

*Fred Lepore
Street Lighting Engineering*

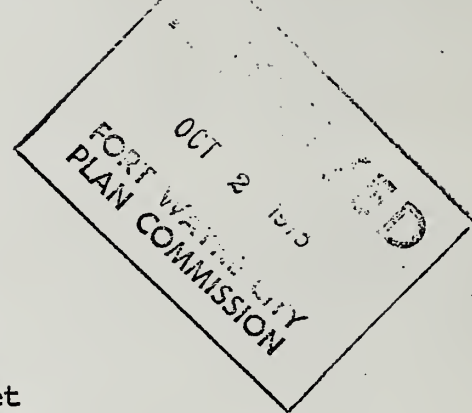
M E M O R A N D U M

DATE: September 30, 1975

TO: Board of Works
Ron Bonar
Tom Manny
Bob Arnold
John Kent

FROM: Patsie - City Plan

SUBJECT: Vacation of a portion of Barr Street



Petitioners are requesting the vacation of that Portion of Barr Street extending north from the north right-of-way of Elizabeth Street to the north right-of-way of the east-west alley, south of vacated Kamm Drive.

1. See attached map
2. See attached previous memos regarding this vacation
3. Please submit your comments and recommendations

Thanks

Patsie

*BARR ST could
serve a Better Community
use by being Part of A
River Front Park
Has No Traffic Value -
- Zoning
1 Oct 75*

RECEIVED

OCT 01 1975

TRAFFIC ENG.

To Patsie - City Plan

Date 10/8/75

From Robert C. Arnold, Superintendent of Parks and Recreation

Subject Vacation - Barr St.

COPIES TO:

Wanush
Derheimer

The requested vacation has direct effect on establishing a River Greenway.

Perhaps a compromise could be negotiated with the petitioner which would satisfy his requirements and provide a hiking easement for public use.

Memorandum

To Patsie Rumsey, City Plan Date Oct. 15, 1975
From Ron Bonar
Subject Vacation - Barr Street from Elizabeth to Kamm

COPIES TO:

Board of Works

Your request has been reviewed by the engineering departments, and we offer the following comments:

WATER ENGINEERING

Reference letter of 9/22/75 from Don Foland to Mr. William Blackburn (copy attached), items therein should be resolved.

WPC ENGINEERING

Easement required for existing sewer representing the westerly extension of the fourteen foot alley located north of Elizabeth and north of Mowrer's Sub.

STREET ENGINEERING

A special agreement regarding vacations and the City's future plans for expansion in this general area has been discussed with I & M. This should be consummated prior to vacation approval.

STREET LIGHT ENGINEERING

No objections.

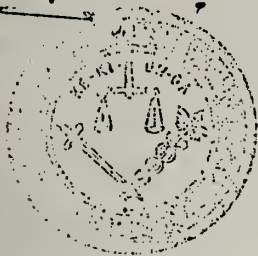
TRAFFIC ENGINEERING

Street has no traffic value; however, it is felt it could serve a better community purpose by having it become part of the City property facing Spy Run Creek.



Ron Bonar

RB/st



THE CITY OF FORT WAYNE

engineering department
7th floor, city-county building
one main street, fort wayne, indiana 46802

- September 22, 1975

Mr. William Blackburn
Indiana & Michigan Electric Co.
2101 Spy Run Ave.
Fort Wayne, Indiana

Subject: Water Main Requirements and Sewer Maintenance Agreement -
Vacation of Barr St., Lafayette St., and Alleys North
of Elizabeth St. - B.O. 210-74

Dear Mr. Blackburn:

As previously discussed with representatives of I&M Electric Co., the water mains presently located in Barr St., Lafayette St., and Kamm St. North of Elizabeth St. will, upon vacation of these rights-of-way, be located on private property, probably fenced within your complex, and be of no public benefit. Therefore, as the streets are to be vacated, the mains will be of no benefit to other than your firm for water service supply and/or fire protection. In order to make proper transfer of these facilities from the Fort Wayne Water Utility to the I&M Electric Co. we propose that a valve be placed in the Lafayette St. main, approximately at the North right-of-way line of Elizabeth Street; cost of this installation is \$790. This valve installation will provide controllable service into your property at two points and maintain the fire hydrant located at the Southwest corner of Kamm and Lafayette Streets in service.

If you should not desire fire protection service afforded by the above fire hydrants, nor the service connections from the Elizabeth Street main, then these mains must be cut and plugged at the City main in Elizabeth Street, at a cost of \$1330.

If you should elect the plan noted above to maintain the fire hydrant in service, then all future maintenance of the 4" mains and fire hydrant beyond the 4" service valves at Barr and at Lafayette St. will be your responsibility.

Please advise at the earliest possible date as to which plan you desire, along with your acceptance of the costs for the valve installation or the plugging procedure.

Continued..

Mr. William Blackburn
Page 2
9/22/75

In cooperation with our Water Pollution Control Engineering Department and their requirements for this vacation, we attach the original of a Sewer Maintenance Agreement which should be executed by Indiana & Michigan Electric Co. representative, and returned to the Water Pollution Control Engineering Department for execution by the City officials.

If you should have any questions regarding the content of this letter or the enclosed Agreement, please contact the undersigned or Philip R. Boller, Chief Engineer, Water Pollution Control Engineering Department, respectively.

Cordially yours,



D. L. Foland, P. E.
Chief Water Engineer

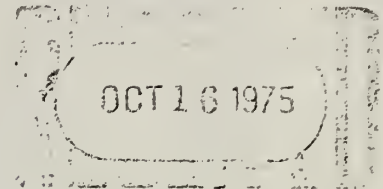
DLF/iw
Encl. (to be returned)

cc: Board of Public Works
Street Engineering Dept.
Bonar
Boller



INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801



October 15, 1975

City of Fort Wayne
Engineering Department
7th Floor, City-County Bldg.
One Main Street
Fort Wayne, Indiana 46802

Attn: D. L. Foland, P.E.

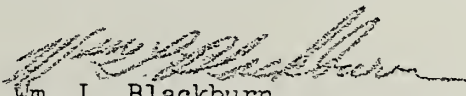
Dear Mr. Foland:

In reply to your letter of Sept. 22, 1975, we are enclosing the original and one copy of the Sewer Maintenance Agreement between I&MECo. and the City of Fort Wayne as approved by I&MECo. This is the agreement wherein I&MECo. agrees to assume responsibility for the maintenance, repair, and necessary reconstruction of the sewer facility extending from the first East-West alley north of Elizabeth Street, extending north into the I&MECo. real estate. Will you please return one copy of this agreement after it has been approved by the Board of Works.

With regard to the options you gave us pertaining to the watermain which extends north from Elizabeth Street on Barr Street, extends east across I&MECo.'s property to Lafayette Street, and then south to Elizabeth Street, we wish to retain the use of this watermain thereby keeping the fire hydrant at vacated Kamm Street and Lafayette Street operable. We therefore ask that you install the valve on the main at Lafayette Street just north of Elizabeth Street. If you will, please, then bill us for the installation cost of \$790.00.

Should there be anything further that we can do to expedite the final approval of the vacation of Barr and Lafayette Streets and the adjoining alleys, please advise us.

Very truly yours,
INDIANA & MICHIGAN ELECTRIC COMPANY


Wm. L. Blackburn
Right-of-way Agent - Senior

WLB/cs
enclosures
cc: Board of Works
Phil Boller, Water Pollution Control
Street Engineering Dept.
Ron Bonar ✓

PETITION FOR VACATION OF STREET

Fort Wayne, Indiana

TO: Plan Commission of the City of Fort Wayne
The Common Council of the City of Fort Wayne
The Board of Public Works of the City of Fort Wayne

Gentlemen:

Indiana & Michigan Electric Company, owner of real estate in the City of Fort Wayne, Allen County, Indiana, described as follows:

Lot numbered 7 of Mowrer's Subdivision; lots numbered 1, 2, 3 and 4 of Hofer's Addition; and lot numbered 28 of Burgess, Zollinger & Kamm's Addition, all to the City of Fort Wayne, Indiana;

constituting all the real estate abutting on the east side of the street herein sought to be vacated, respectfully petitions and requests that:

1. The Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following described portions of streets and alleys within the City of Fort Wayne, Allen County, Indiana, to-wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-744).

2. Upon determination that the vacation of said public streets and alleys hereinabove described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana, the Fort Wayne City Plan Commission approve the vacation of the said public streets and alleys hereinabove described pursuant to the provisions of the above-mentioned statute.

3. The Common Council of the City of Fort Wayne enact an ordinance to amend the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council on Novem-

ber 26, 1963, by authorizing the vacation of said public streets and alleys hereinabove described in accordance with the terms of Section 42, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-742), and the aforementioned Section 44 of Chapter 174 of the Acts of 1947.

4. The Board of Public Works of the City of Fort Wayne pass a resolution providing for the vacation of said streets and alleys as hereinabove described in accordance with the terms of Section 93, Chapter 129 of the Acts of 1905, as amended by Section 8, Chapter 188 of the Acts of 1909 and Section 1, Chapter 85 of the Acts of 1913 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-1902) and Section 97, Chapter 129 of the Acts of 1905 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-2001).

Respectfully submitted,

INDIANA & MICHIGAN ELECTRIC COMPANY

By: 

Charles R. Cogdell

LIVINGSTON, DILDINE, HAYNIE & YODER

425 Lincoln Bank Tower

Fort Wayne, Indiana

Attorneys for Indiana &
Michigan Electric Company

R E S O L U T I O N

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public streets and alleys in Allen County, Indiana, to-wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. §53-744 (Burns' 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on November 17, 1975, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alleys;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and alleys hereinbefore described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street and alley hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Vivian G. Schmidt, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a RESOLUTION adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on November 17, 1975, and as the same appears of record in the official records of said Plan Commission.

Dated the 24th day of November, 1975.

Vivian G. Schmidt
Vivian G. Schmidt, President
Fort Wayne City Plan Commission

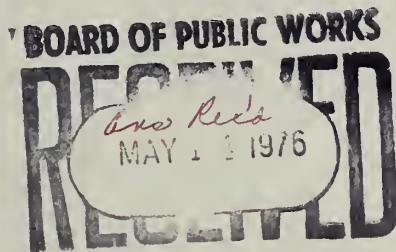
MEMORANDUM

To Henry Wehrenberg, Board of Works Date 5-13-76
From Robert Arnold, Supt. of Parks & Recreation
Subject Barr Street Vacation from Elizabeth to Kamm

Copies to:

According to the Wayne Township Assessors records and the city ownership information kept by Street Engineering, the city owns the Spy Run Creekbank shown in green on the attached map. As you can see from the map, there is not much room from the top of the bank to the east property line at Elizabeth Street. The additional 25' acquired from the vacation of Barr St. would increase the accessibility to the Creek and anchor this portion into City ownership. I would support that kind of progress, however, I am not aware of the circumstances surrounding these negotiations.

RCA:aes



DRAWING ESK-061875
STRUCTURE LOCATION

PROPOSED
LOCATION OF
STRUCTURE

N

EXISTING
TOWER #209

ALTERNATE
PROPOSED
LOCATION OF
STRUCTURE

TOP OF
BANK

R.R. BRIDGE

DRAWING ESK-030476
STRUCTURE LOCATION

SPY RUN
STATION
138 KV BUS

138 KV INDUSTRIAL PARK

SPY RUN CREEK

BARR STREET

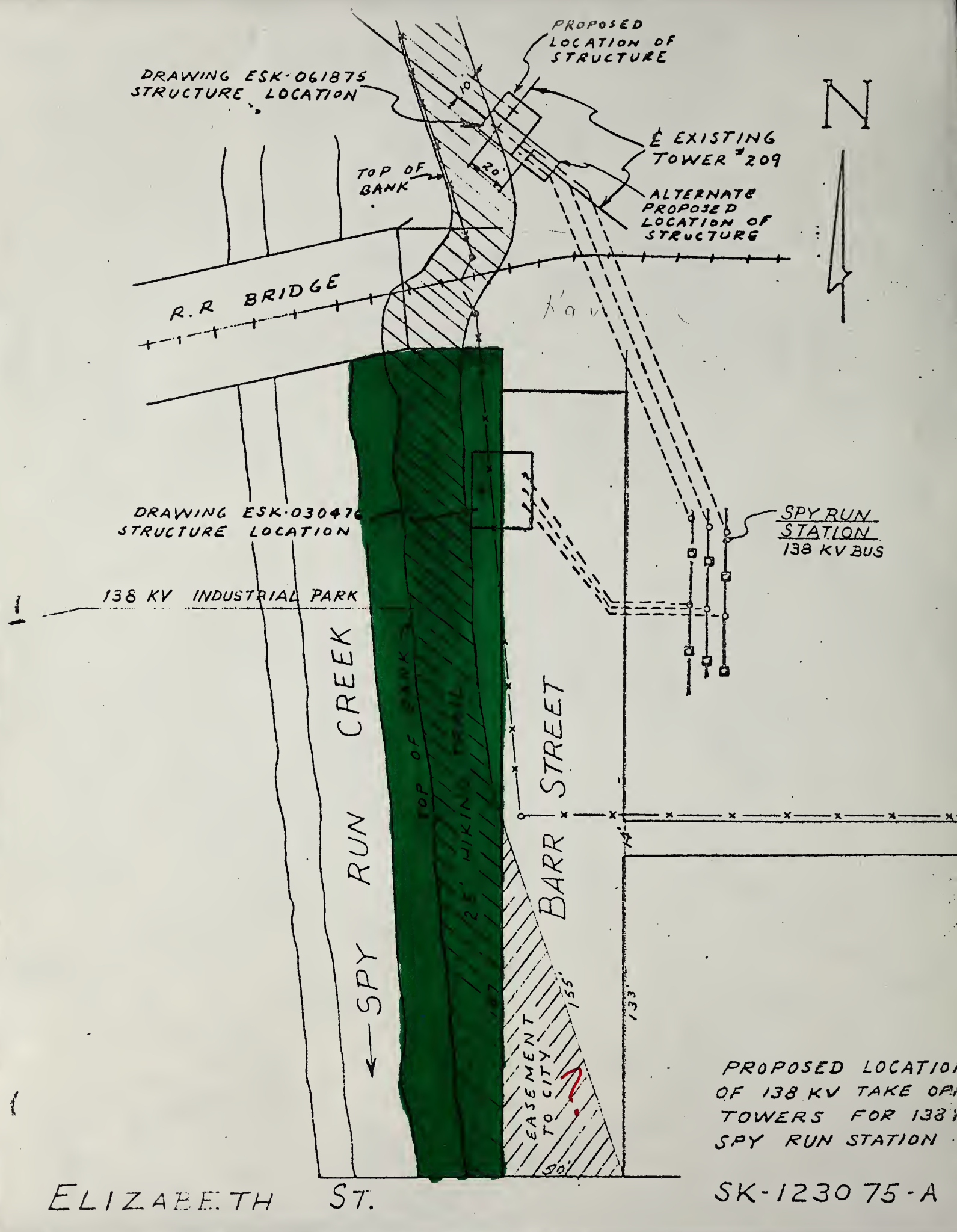
TOP OF BANK
25' WIKING TRAIL

EASEMENT
TO CITY

PROPOSED LOCATION
OF 138 KV TAKE OFF
TOWERS FOR 138 KV
SPY RUN STATION

ELIZABETH ST.

SK-123075-A



→ Edna

M E M O R A N D U M

DATE: September 30, 1975

TO: Board of Works
Ron Bonar
Tom Manny
Bob Arnold
John Kent

FROM: Patsie - City Plan

SUBJECT: Vacation of a portion of Barr Street

Petitioners are requesting the vacation of that Portion of Barr Street extending north from the north right-of-way of Elizabeth Street to the north right-of-way of the east-west alley, south of vacated Kamm Drive..

1. See attached map
2. See attached previous memos regarding this vacation
3. Please submit your comments and recommendations

Thanks

Patsie

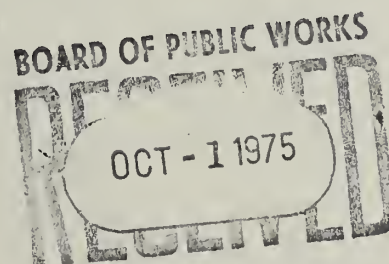
NOTED

☐ J.D.B.

☐ C.E.O.

☐ B.L.N.

Date _____



Memorandum

To Patsie Rumsey, City Plan Date April 2, 1975
From Ron Bonar
Subject Vacation of Second Alley North of Elizabeth, First Alley North of Elizabeth and the Alley between Barr and Lafayette, and Lafayette Running North from Elizabeth Street

COPIES TO:

These requests have been reviewed by the engineering departments, and we offer the following comments:

WATER ENGINEERING

Several water mains exist within the streets and special arrangements need to be made with the water utility regarding their abandonment and/or service.

WPC ENGINEERING

Sewers exist in several of the existing streets and alleys, and easements will be required as follows:

- A..East/West alley along north side of Mowery Sub.
- B. North/South alley between Lafayette and Barr.
- C. That portion of Lafayette Street representing the easterly extension of the fourteen foot alley north of Mowery Sub -
A. above.

STREET AND TRAFFIC ENGINEERING

A special agreement regarding vacations and future plans for expansion in this general area is being negotiated directly with I & M. This should be consummated prior to approval.

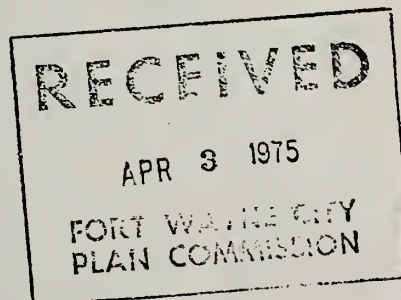
STREET LIGHT ENGINEERING

No objections

I trust this communicates the engineering departments' comments.

Ron
Ron Bonar

RB/st



Memorandum

To Ron Bonar

Date Feb. 27, 1975

From D. L. Foland

Subject VACATION OF STREETS AND ALLEYS NORTH OF ELIZABETH STREET AND
EAST OF SPY RUN CREEK

COPIES TO:

Board of Public Works

City Plan Comm. ←

M. Mendel

K. Traylor

File

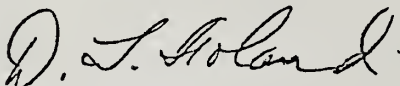
This is to advise that we presently have in existence a 4" water main in Barr Street, Kamm Street, and Lafayette Street, all north of Elizabeth Street. Part of this main is within the previously vacated Kamm Street, and that portion of Lafayette Street previously vacated south of Kamm Street.

A routing has already passed through this office regarding the necessity of retaining easements for the proposed vacations, on which routing I have indicated that we would require an easement retained for the water main on Lafayette Street. At this point I do not recall receiving a routing for the vacation of Barr Street, however if that should take place we will likewise require an easement retention for it.

We have no mains within the various alleys which are proposed for vacation, therefore no easements for water facilities will be required over those alleys.

With regard to the overall vacation program within this area, I believe it might be advantageous for the Fort Wayne Water Utility to come to some agreement with Indiana & Michigan Electric whereby the mains on Barr, Kamm and Lafayette Streets would be abandoned to I&M. This would relieve us of future maintenance on these mains for which we would no longer have a need. I would presume that I&M may consider fencing the area in as they have the remaining portion of their property, therefore it would also relieve us of the liability for damages to their property and our facilities, should these mains fail. I would therefore propose some arrangement similar to that which we set up between the Utility and Essex Wire when those streets were vacated, and those mains within the Essex complex were abandoned to them.

If additional information is desired or required, I would be happy to provide it or discuss the matter with you.



D. L. Foland, P.E.
Chief Water Engineer

DLF/iw

M E M O R A N D U M

DATE: February 24, 1975

TO: Ken Traylor - Street Engineering

FROM: Patsie Rumsey - City Plan

SUBJECT: Your memo dated Feb. 19, 1974 regarding the following vacation:
The Second alley north of Elizabeth Street
The first alley north of Elizabeth Street
the Alley between Barr Street and Lafayette Street
Lafayette Street running north from Elizabeth Street
(See attached maps)

Have attached copies of the minutes from the meeting held October 21, 1974, in which the Plan Commission gave approval to these vacations of alleys and street.

The original petition submitted also covered the vacation of Barr Street from the North property line of Elizabeth Street to the south right-of-way line of Vacated Kamm Street.

Because of questions arising from the Park Board concerning the river bank, Barr Street was eliminated from this petition.

Mr. Chuck Cogdell, attorney representing the Indiana and Michigan Elect. Company, is now preparing to submit a new petition for the vacation of Barr Street.

I talked to Mr. Cogdell on Tuesday, Feb. 19, 1975, and he said that he had discussed this vacation with Engineering Departments - they were aware of the vacation of these alleys and street.

Due to a discrepancy (mine, naturally) a memo requesting comments and recommendations concerning the above vacations was not submitted to the Engineering Departments.

Patsie

copies to:

Ron Bonar
Tom Manny
Board of Works
(Board No. 210-74)

- b. Barr Street and Lafayette Street, extending north from Elizabeth Street. East-west alleys located between Barr Street and Lafayette Street.

Mr. Charles Cogdell, attorney representing the petitioners, appeared before the Commission. Mr. Cogdell then described the area and location. He stated this vacation is for a "sub-station" for Indiana and Michigan Electric Company.

There was considerable discussion regarding the vacation of Barr Street as access to the river bank and Park property. Mr. John Kent, Assistant Planner in the Division of Current Planning, stated that he had not had enough time to make a study of this vacation in regards to the property belonging to the Park Board.

Mr. Bonar questioned fencing around the substation.

Following further discussion, a motion was made by Mrs. Ver Wiebe, seconded by Mr. Offerle, that this vacation petition be amended to exclude Barr Street. It was then suggested that Barr Street be submitted at a later date following a study by Mr. Kent.

Motion was duly carried.

- c. The north-south alley extending south from Douglas Avenue to Brackenridge Street - lying east of Calhoun Street.

Mr. Tim Gifford, attorney representing the Lincoln National Life Insurance Company appeared before the Commission. Mr. Gifford described the area and location and pointed out this is for the expansion of the Lincoln Life Insurance Company.

Following discussion, motion was made by Mr. Bonar, seconded by Dr. Boswell and duly approved that this vacation be approved as submitted.

- d. A portion of Yale Avenue, extending east from Stanford Avenue to Cambridge Blvd., located south of Harvard Blvd.

Mr. Bruce Stevens, 2805 Cambridge Blvd. appeared before the Commission. Mr. Stevens stated that he, along with three other abutting property owners were the petitioners. He explained this is unimproved and has never been opened. He then stated that he wishes to attach a two car garage to the north side of his existing house, the the yard requirements are not sufficient. With the vacation of the street, this would be possible. He explained this street is used as a pathway for the school children, and for a number of people that work and shop in Gateway Plaza Shopping Center. He did explain that this vacation would not prevent them from using this as a pathway, and the abutting property owners had no objection to this use.

Following discussion, motion was made by Mr. Gerson, seconded by Mr. Offerle, and duly approved that this vacation be approved as submitted.

Memorandum

To Carolyn Nightingale, C. James Owen Date 20 May 1976

From Dick Stumpf

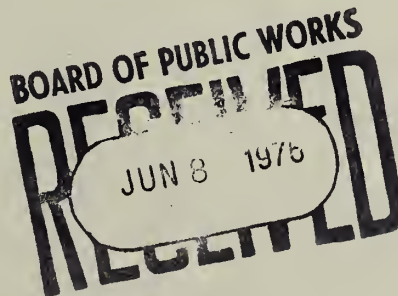
Subject Barr Street Vacation

COPIES TO:

I agree with Henry Wehrenberg that we should renegotiate this right-of-way before an agreement is formed.

The fence should be relocated (25' from high water mark) at this time and right-of-way granted if the City is to agree to Barr Street vacation. Upon field varification, the towers and other existing equipment do not seem to interfere with pedestrian passageway. All of this should be at no expense to the City.

D. Stumpf



B.O. 161-75

February 16, 1977 64-128-6

KEN TRAYLOR, Street Engr. Dept.

Dec. Res. No. 1421-77 Vac. of Barr Street

Approved and adopted.

Waiver received and signed by property owner.

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages. Property Ownership List is attached.

H. P. WEHRENBURG

E. H. LAMAR

M. G. SCOTT

BOARD OF PUBLIC WORKS

ajf

attachment

B.O. 161-1975

December 2, 1975

Street Engineering

Vacation - Barr Street from Elizabeth to Kama

Attached is a copy of a petition being submitted to City Plan for their action.

When this has been approved by City Council, please prepare Resolution and necessary documents for Board's action.

Dr. Jerry D. Boswell
Carl E. O'Neal
Betty Lou Nault
BOARD OF PUBLIC WORKS

/bt

Attachment: Petition

M E M O R A N D U M

DATE: November 26, 1975
TO: Ednam Smith
FROM: Patsie - City Plan
SUBJECT: Barr Street Vacation

Edna:

I have attached:

Petition to vacate

Resolution from the City Plan Commission, which approved
this vacation on November 24, 1975

Communications letter to City Council

Request for Action

Digest Sheet

Map

Letter from Indiana & Michigan

Please assigned a Board Number to this vacation.

Patsie



COMMUNITY DEVELOPMENT AND PLANNING

long range planning and zoning

November 26, 1975

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated.

which was approved by the City Plan Commission at its regular meeting held November 24, 1975.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of November, 1975.

Charles N. Hall
Secretary

pr



REQUEST FOR ACTION

TO: City Attorney David B. Keller
or
Associate City Attorney Mr. Ralph Blume / 344 Utility Building

FROM: (Name, Title & Department) **COMMUNITY DEVELOPMENT AND PLANNING
DIVISION OF LONG RANGE PLANNING
AND ZONING
CITY-COUNTY BUILDING
ONE MAIN STREET
FORT WAYNE, INDIANA 46802**

Approved by _____
(Person authorized to forward legal work)

Date: November 26, 1975

Subject: Street Vacation Ordinance
(File subject designation)

File # Assigned by Records Librarian

Date: _____

Action Requested: Preparation of an ordinance for street vacation
for introduction into Council.

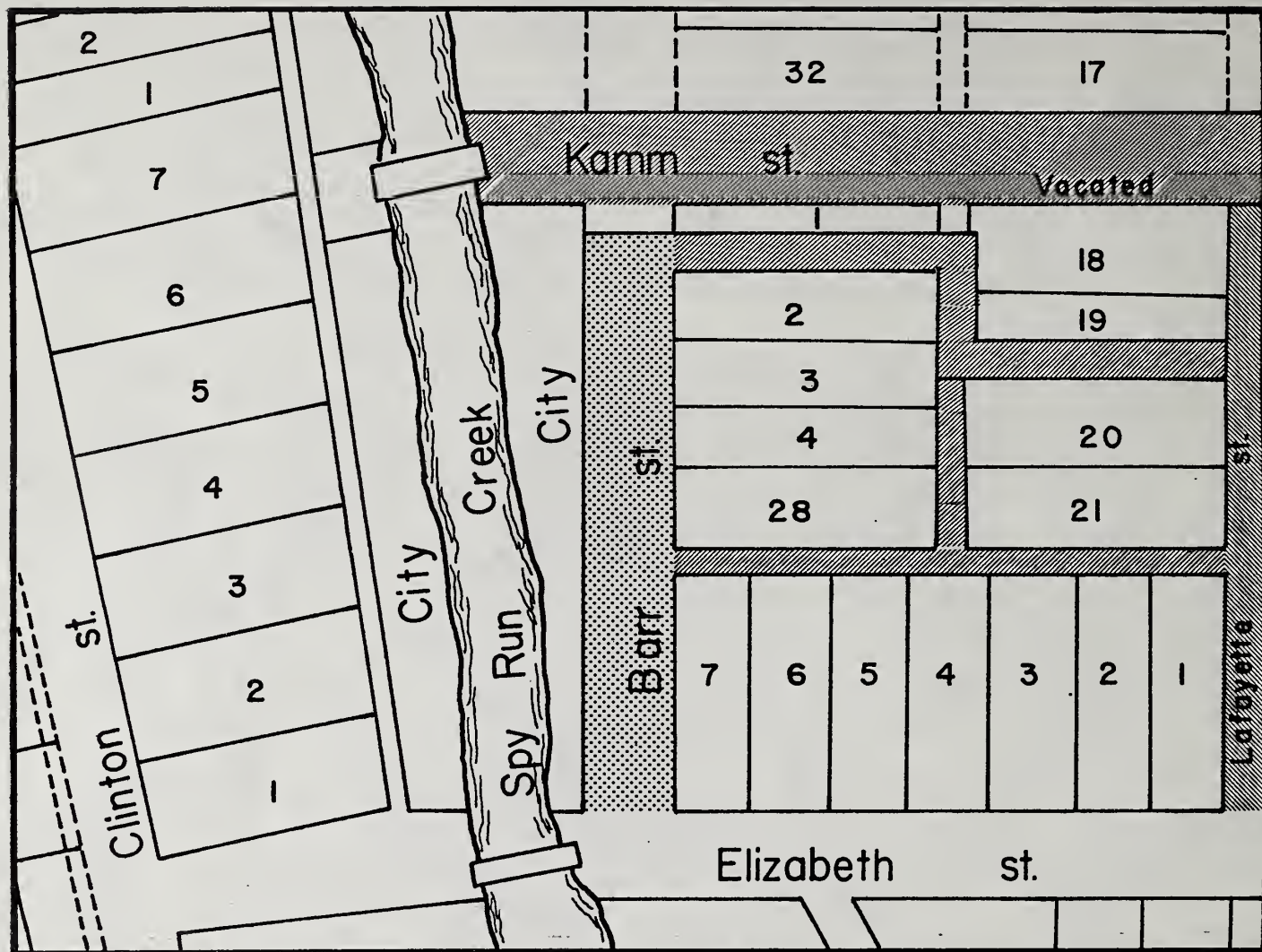
(Continue on reverse side, if necessary)


cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

DIGEST SHEET

TITLE OF ORDINANCE Street vacation ordinanceDEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSIONSYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the following
described street:That portion of Barr Street from the north right-of-way line of ElizabethStreet, north to a point 18 feet south of the south line of Vacated KammStreet. The northerly terminus also being the south line of said Barr Streetpreviously vacated.EFFECT OF PASSAGE When vacation, street will be utilized by abutting
property owners.EFFECT OF NON-PASSAGE Street will remain as is.MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____



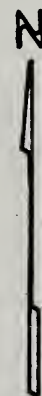
 To be Vacated

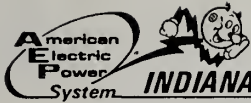
 Vacated

10-7-75

A-5

L.S.





INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

November 17, 1975

Mr. Owen Donnelly, Director
Community Planning and Research
City-County Building
Room 980
Fort Wayne, Indiana 46802

Dear Mr. Donnelly:

As you are aware, Indiana & Michigan Electric Company, as the owner of all the properties on the east side of Barr Street north of Elizabeth Street, has petitioned the City for the vacation of said street. In so doing, it has been brought to our attention that the City has plans for a hiking trail along the banks of Spy Run Creek as part of a proposed River Greenway Plan.

It is our understanding that in order to effect such a plan, the City proposes to acquire title to or easements over Spy Run Creek frontage to a minimum of 25 feet from the high-water mark to an optimum of 200 feet. Inasmuch as the subject portion of Barr Street is within 200 feet of said high-water mark, the City is somewhat reluctant to consent to the vacation thereof.

In view of the foregoing and in order to induce the City to consent to and grant said vacation, Indiana & Michigan Electric Company will grant a right-of-way and easement to the City for said proposed Greenway Plan across part of vacated Barr Street as follows:

A part of the southeast quarter of Section 35, Township 31 North, Range 12 East, Washington Township, Fort Wayne, Indiana, and further described as follows: That part of (vacated) North Barr Street beginning at the intersection of the north line of Elizabeth Street and the west line of said North Barr Street; thence extending north along said west line of North Barr Street, a distance of 147 feet; thence extending southeasterly a distance of 155 feet, more or less, to the intersection of the north line of said Elizabeth Street and the east line of said North Barr Street, last said point also being the southwest corner of Lot No. 7 in Mowrer's Subdivision; thence extending west a distance of 50 feet to the place of beginning.



INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

November 17, 1975

Mr. Owen Donnelly, Director

Page Two

Indiana & Michigan Electric Company also recognizes that the City desires to acquire a right-of-way across certain real estate of I & M fronting on Spy Run Creek and commonly referred to as its Spy Run Complex, such strip constituting the real estate west of a line 25 feet equidistant from the top of the high-bank adjacent to an existing I & M chain-link fence running along said creek beginning at a railroad spur on the south and following the meanderings of said creek to the City-owned property along Clinton Street on the north. Upon the formalization of the plans and the funding of such Greenway Project, we will, as a further inducement to the City to grant said vacation, grant a right-of-way and easement, provided, however, that the Indiana & Michigan Electric Company is compensated in full for any and all expenses connected with the transfer or relocation of any equipment or structures, including but not limited to, fences, poles, guylines, towers, lines, railroads and buildings, which would, in the opinion of I & M, be required to be transferred or relocated in the granting of such an easement. Furthermore, we shall set back all proposed future structures a sufficient distance for said strip to avoid unnecessary additional expenses which might otherwise result.

The City has also acknowledged recognition that I & M will be constructing a new tower line to connect to a proposed 138 KV Substation which will necessitate the granting of an easement across City-owned real estate within said Greenway Plan adjacent to the Spy Run Complex. Accordingly, I & M agrees that it will construct such tower an optimum of 25 feet from the top of the bank of Spy Run Creek in return for the granting of such easement by the City.

Very truly yours,

Richard C. Menge
Division Manager

R E S O L U T I O N

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public streets and alleys in Allen County, Indiana, to-wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. §53-744 (Burns' 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on November 17, 1975, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alleys;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and alleys hereinbefore described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and

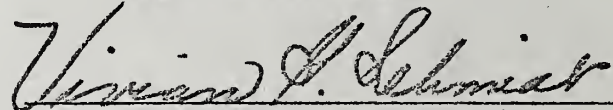
BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street and alley hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Vivian G. Schmidt, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a RESOLUTION adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on November 17, 1975, and as the same appears of record in the official records of said Plan Commission.

Dated the 24th day of November, 1975.



Vivian G. Schmidt, President
Fort Wayne City Plan Commission

PETITION FOR VACATION OF STREET

Fort Wayne, Indiana

TO: Plan Commission of the City of Fort Wayne
The Common Council of the City of Fort Wayne
The Board of Public Works of the City of Fort Wayne

Gentlemen:

Indiana & Michigan Electric Company, owner of real estate in the City of Fort Wayne, Allen County, Indiana, described as follows:

Lot numbered 7 of Mowrer's Subdivision; lots numbered 1, 2, 3 and 4 of Hofer's Addition; and lot numbered 28 of Burgess, Zollinger & Kamm's Addition, all to the City of Fort Wayne, Indiana;

constituting all the real estate abutting on the east side of the street herein sought to be vacated, respectfully petitions and requests that:

1. The Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following described portions of streets and alleys within the City of Fort Wayne, Allen County, Indiana, to-wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-744).

2. Upon determination that the vacation of said public streets and alleys hereinabove described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana, the Fort Wayne City Plan Commission approve the vacation of the said public streets and alleys hereinabove described pursuant to the provisions of the above-mentioned statute.

3. The Common Council of the City of Fort Wayne enact an ordinance to amend the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council on Novem-

ber 26, 1963, by authorizing the vacation of said public streets and alleys hereinabove described in accordance with the terms of Section 42, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-742), and the aforementioned Section 44 of Chapter 174 of the Acts of 1947.

4. The Board of Public Works of the City of Fort Wayne pass a resolution providing for the vacation of said streets and alleys as hereinabove described in accordance with the terms of Section 93, Chapter 129 of the Acts of 1905, as amended by Section 8, Chapter 188 of the Acts of 1909 and Section 1, Chapter 85 of the Acts of 1913 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-1902) and Section 97, Chapter 129 of the Acts of 1905 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-2001).

Respectfully submitted,

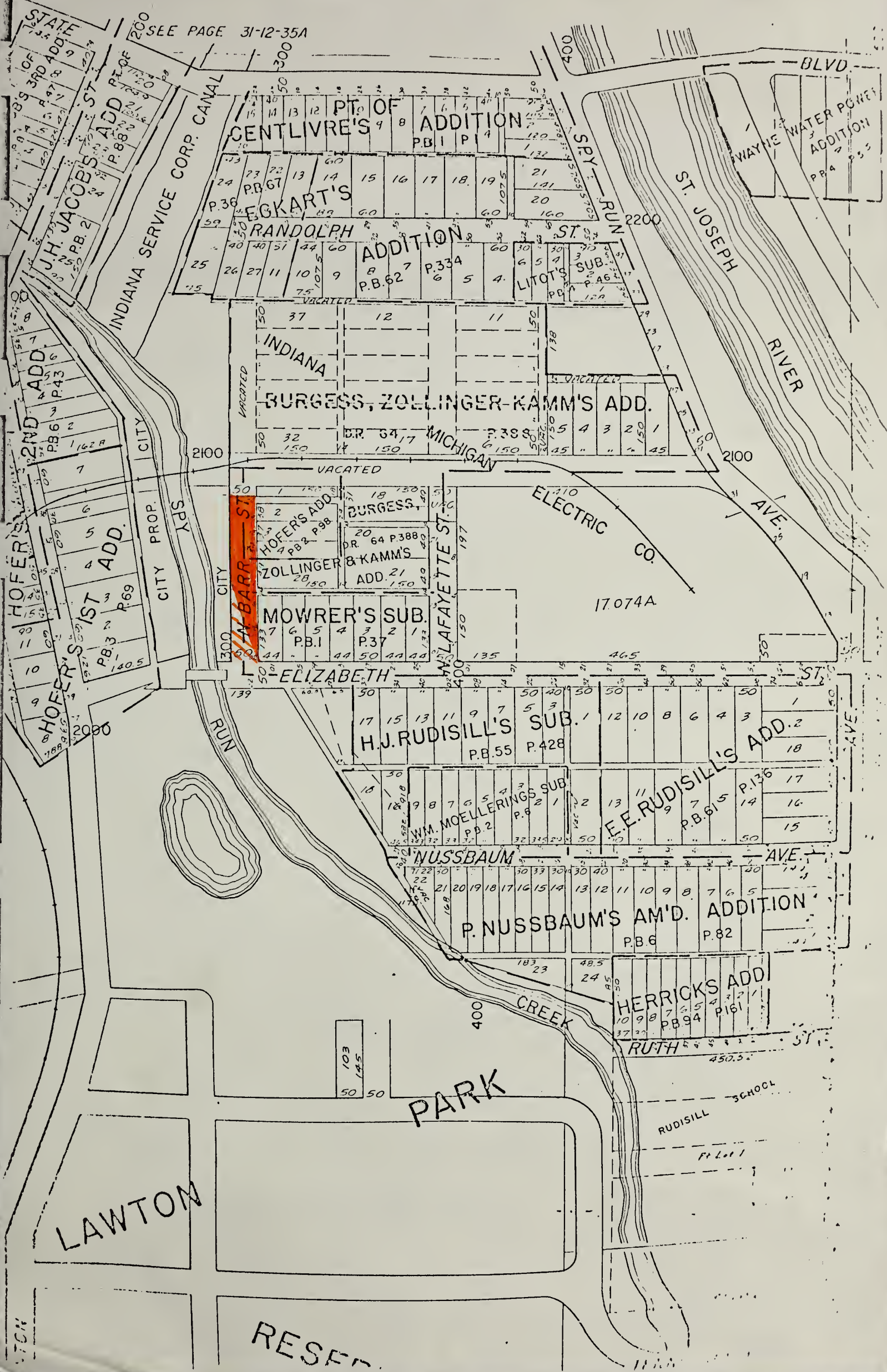
INDIANA & MICHIGAN ELECTRIC COMPANY

By: 

Charles R. Cogdell

LIVINGSTON, DILDINE, HAYNIE & YODER
425 Lincoln Bank Tower
Fort Wayne, Indiana
Attorneys for Indiana &
Michigan Electric Company

4 SEC. 35 WASHINGTON TWP.
200 FT. TO 1 INCH T.3IN.-R.12E. OF THE 2ND P.M.





B.O. 161-1975

Date December 2, 1975

To Street Engineering

Subject Vacation - Barr Street from Elizabeth to Kamm

Attached is a copy of a petition being submitted to City Plan for their action.

When this has been approved by City Council, please prepare Resolution and necessary documents for Board's action.

Dr. Jerry D. Boswell
Carl E. O'Neal
Betty Lou Nault
BOARD OF PUBLIC WORKS

/bt

Attachment: Petition

RECEIVED
DEC 5 1975
CITY ENGINEERING DEPT.

Signed _____

Reply:

April 29, 1976

Attached please find Declaratory Resolution No. 1421-1976, drawing, petition, memos from Traffic Engineering and Park Department, and the property ownership list. Also, see my memorandum attached.

Kenneth Taylor
KT/mf
Encs.

NOTED

A.P.W.
H.P.W.
E.H.L.
M.G.S.

Date _____

BOARD OF PUBLIC WORKS
RECEIVED
APR 30 1976

Signed _____

Memorandum

To Board of Public Works

Date 4/29/76

From Kenneth Traylor - Street Engineer

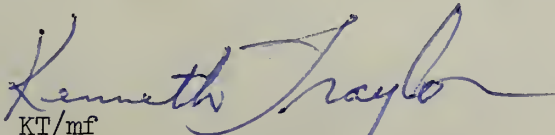
Subject Vacation - Barr Street from Elizabeth to Kamm

COPIES TO:

Indiana & Michigan is attempting to vacate Barr Street north of Elizabeth for the second time. The Park Department has requested the west 25 feet be retained for Park Department use along the Spy Run Creek. Also, previous attempts by Traffic Engineering Department to negotiate a land transfer between I&M and the City of Fort Wayne were made. The City of Fort Wayne needs additional right-of-way at the southwest corner of State and Spy Run Avenue for future pavement widening.

Therefore, Traffic Engineering attempted to obtain a commitment from I&M to dedicate to the City of Fort Wayne a strip of land approximately 15 feet in width by 300 feet in length at said corner as a trade for the land being vacated on Barr Street. I&M balked at this proposal; in fact, their attorney stated that the City of Fort Wayne had no right to make such a request.

The past Board of Public Works gave up on the idea and was simply willing to vacate Barr Street. Mr. Manny wanted the present Board of Public Works to be aware of this trade concept in case a different decision might be made.


KT/mf

To: THE CAA Date _____

From:

HENRY P. WEHRENBURG, Chairman Board of Works

____ Please review and discuss with me

____ Please answer direct

____ Please prepare reply for my signature

____ Please furnish information for my reply

____ Please note and return

____ Please file

*I BELIEVE VRSUA HAS SUSPENDED
A FILE RE: I & M - EMBLEMENTS - SPY RUN
CREEK - PLEASE ASK HER TO REMIND
ME ABOUT THIS - WOULD LIKE TO REVIEW
BEFORE A TENTATIVE MEETING
WITH MR. BRONKE ^{FRI.} ~~THUR.~~ 10:30 A.M.*

FROM THE OFFICE OF GENERAL SUPERINTENDENT, CITY UTILITIES

Henry 8/12

attached is Jack
Hirman's suggestions
for vacating Barr St.

F Y I
BOARD OF PUBLIC WORKS
RECEIVED
AUG 13 1976

Memorandum

To Joe Morreale Date 8-10-76
From J. H. Hinman
Subject _____

COPIES TO:

*Dehrnberg
File*

Regarding I & M and the Barr Street vacating, suggest that in return for vacating Barr Street:

1. I & M would give to the City the 147' x 50' triangle of Barr Street just north of Elizabeth Street;
2. I & M would fence along the proposed hiking trail to former Kamm Street (or the railroad siding);
3. I & M would provide right of way and easement along the east side of Spy Run Creek north of Kamm Street which could be used for the hiking trail and would move the fence at such time as the hiking trail is approved and would rearrange guy wires to make the hiking trail possible.

JHH/sjh

At Cost Or City

DRAWING ESK-061875
STRUCTURE LOCATION

PROPOSED
LOCATION OF
STRUCTURE

N

EXISTING
TOWER #209

ALTERNATE
PROPOSED
LOCATION OF
STRUCTURE

TOP OF
BANK

R.R. BRIDGE

Kawms
Vocated

DRAWING ESK-030476
STRUCTURE LOCATION

SPY RUN
STATION
138 KV BUS

138 KV INDUSTRIAL PARK

← SPY RUN CREEK

TOP OF BANK

HIKING TRAIL

BARR STREET

EASEMENT
TO CITY

PROPOSED LOCATION
OF 138 KV TAKE OFF
TOWERS FOR 138 KV
SPY RUN STATION

ELIZABETH ST.

SK-1230 75-A

DRAWING ESK-061875
STRUCTURE LOCATION

LOCATION OF
STRUCTURE

N

EXISTING
TOWER #209

ALTERNATE
PROPOSED
LOCATION OF
STRUCTURE

TOP OF
BANK

R.R. BRIDGE

DRAWING ESK-030476
STRUCTURE LOCATION

SPY RUN
STATION
138 KV BUS

138 KV INDUSTRIAL PARK

← SPY RUN CREEK

TOP OF BANK

25' WALKING TRAIL

BARR STREET

EASEMENT
TO CITY

PROPOSED LOCATION
OF 138 KV TAKE OFF
TOWERS FOR 138KV
SPY RUN STATION

ELIZABETH ST.

SK-1230 75-A

Memorandum

To Larry Burke, Associate City Attorney Date August 20, 1976
From Ursula Miller^{WM}, Clerk
Subject I & M Electric Company Petition for Vacation of Barr Street

COPIES TO:

Mr. Wehrenberg had intended answering the attached letter from Attorney Charles R. Cogdell but after receiving your opinion of yesterday, he felt we should defer answering pending your advice.

Board is not certain at this point what might be in the best interest of City for long range planning. Also Board has no evidence of an agreement to this.

Please advise what Board's answer to Cogdell should be.

UM:bt

Attachment

LAW OFFICES

LIVINGSTON, DILDINE, HAYNIE & YODER

LINCOLN TOWER

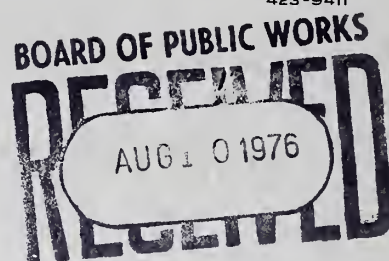
FORT WAYNE, INDIANA 46802

VON E. LIVINGSTON
THOMAS W. YODER
WILLIAM P. FAGAN
MILFORD M. MILLER
NORMAN E. BAKER
CHARLES R. COGDILL
PHILIP L. CARSON
LAWRENCE A. LEVY
EDWARD L. MURPHY, JR.
C. ERIK CHICKEDANTZ
GILMORE S. HAYNIE, JR.

WARD E. DILDINE (1970)
GILMORE S. HAYNIE (1969)

AREA CODE 219
TELEPHONE
423-9411

August 10, 1976



The Board of Works of
the City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

Attention: Henry Wehrenberg, Chairman

Re: Indiana & Michigan Electric Company Petition
for the Vacation of Barr Street Extending
North of Elizabeth Street.

Gentlemen:

Upon inquiring into the status of the petition of Indiana & Michigan Electric Company for the vacation of that portion of Barr Street extending north of Elizabeth Street, we have learned that there may be some misunderstanding with respect to a certain letter agreement dated November 17, 1975 from Richard C. Menge, Manager of Fort Wayne Division of Indiana & Michigan Electric Company, to Owen Donnelly, Director of Community Planning and Research. Inasmuch as there has been some considerable change in the personnel interested in this petition since it was first initiated, we would like to take this opportunity to give you some of the background information pertaining thereto.

During the past several years I & M has acquired all of the real estate adjacent to its property north of Elizabeth Street. Such acquisitions were made in contemplation of expanding its present facilities through the vacation of the streets and alleys which would no longer be required. Since much of the Spy Run Complex has been developed through the acquisition of residential properties and the subsequent vacation of streets and alleys, no particular problems were contemplated with respect to the vacation of these particular streets and alleys.

LIVINGSTON, DILDINE, HAYNIE & YODER

The Board of Works of
the City of Fort Wayne
August 10, 1976
Page 2

I & M developed plans for the construction of a 138 KV station and filed the usual petition for the vacation of the former residential streets and alleys abutting the real estate now owned by I & M. We followed the long established procedures for such vacation, meeting the usual request for easements by agreeing to grant necessary easements for sewers and water mains located within some of the alleys. When it appeared that the vacation might interfere with a proposed river greenway plan, I & M modified its petition to delete that portion of Barr Street north of Elizabeth Street until a mutually equitable agreement could be worked out. I & M personnel met with members of the staff responsible for the greenway plan, including Owen Donnelly and worked out an agreement as is reflected in the aforementioned letter dated November 17, 1975.

NEVER
AGREED
TO

It was concluded that the proposed vacation would not interfere with the greenway plan. The plan calls for a greenway belt along both sides of Spy Run Creek. However, in viewing the east side of Spy Run Creek north of Elizabeth Street, the feasibility of such plan becomes somewhat questionable since I & M owns a considerable portion of same and there is, at some points, a 15-foot precipitous drop to the water level. The more feasible plan would be to cross over to the west side of Spy Run Creek at the Elizabeth Street bridge and to continue the greenway plan along the west side which is free of buildings and is very near water level. This route could be continued until reaching the Clinton Street bridge at which point the greenway plan could continue along both sides of the creek. However, since members of the Planning staff desired the option to utilize both sides of Spy Run Creek, I & M agreed to grant easement rights along said property provided that it was reimbursed for any expenses which might be incurred for the removal of any structures which might lie within the proposed easement area. Presently, there are two towers, a fence, several storage slabs and a portion of a railroad spur which lie within the proposed easement area. Since the greenway plan is a long-term project, it may well be that some of these structures would be removed in the normal course of business before the greenway plan comes to fruition. In fact, one of the towers will be removed upon completion of the proposed 138 KV substation.

LIVINGSTON, DILDINE, HAYNIE & YODER

The Board of Works of
the City of Fort Wayne
August 10, 1976
Page 3

Because of the inordinate delays experienced with respect to this petition, there is now some urgency in securing an expeditious approval thereof in order that the substation might be completed in time to meet the rapidly expanding electrical requirements of the citizens of Fort Wayne. Inasmuch as I & M has fulfilled all of the established requirements necessary for securing the approval of the petition, we respectfully request that you give same favorable consideration by granting the vacation at your earliest convenience.

We shall, of course, be available to answer any questions which you may have regarding this vacation.

Very truly yours,

LIVINGSTON, DILDINE, HAYNIE & YODER

By



Charles R. Cogdell

CRC:ml
cc: L. R. Brunke

URSULA -

PERHAPS A GOOD THING I
DIDN'T SEND ~~LETTER~~ ^{LETTER} ~~LETTER~~ TO MR COGOELL -

NOW THAT WE HAVE THE OPINION
FROM LARRY BURKE PERHAPS HE
WOULD LIKE TO LOOK AT LETTER
FROM IAM AND MY NOTE (WASN'T
SENT) TO MR. COGOELL -

MR. BURKE MIGHT GIVE ME
SOME IDEA HOW TO ANSWER THIS

YOU MIGHT MENTION I AM NOT
SURE CITY SHOULD AGREE TO VACATING
IF CITY HAS ANYTHING TO SAY
ABOUT IT.

UPW

MR. BURKE

TO: MR. COGDILL

RE: VACATING BARR

YOU REFERENCED A LETTER DATED NOV. 17, 1975 TO MR. DONNELLY. I DO NOT BELIEVE THAT ~~THE LETTER~~ ~~IN~~ ~~IT~~ CAN POSSIBLY BE AN AGREEMENT. IT WAS A LETTER TO HIM AND IT DOESN'T APPEAR THAT IT WAS AGREED TO.

LONG RANGE PLANS ^{ARE SUBJECT TO} ~~DO~~ ~~THE~~ CONSIDERABLE CHANGE AS TIME PASSES. SOME TIMES PLANS ARE EVEN ABANDONED. I AM SURE THAT WHEN YOUR PLANS STARTED EXPANDING INTO THE THEN RESIDENTIAL AREA THERE WAS NO CONSIDERATION TO "BICYCLE PATHS" "RIVER GREENWAY PLANS" "LONG RANGE PLAN FOR STRAIGHTENING CLINTON ST" ~~NO~~. THE NOV. 17, 1975 LETTER THAT IS REFERRED TO DOES APPEAR TO BE A SUGGESTION, BUT ~~CERTAINLY~~ ^{THAT} DOES NOT MAKE IT AN AGREEMENT.

WE HAVE BEEN REVIEWING AND ARE NOT CONVINCED THAT THIS IS COMPLETELY WITHIN ~~THE~~ WHAT MIGHT BE FOR ^{LONG TERM} THEN BEST INTEREST OF THE CITY OF FT. WAYNE HPC

House Memorandum

To Mr. Henry Wehrenberg, Chairman Date April 15, 1976
Board of Works
From Robert C. Arnold
Subject Vacation of portion of Barr Street

COPIES TO:

Mr. K. Traylor

A petition from I & M requests the vacation of the portion of Barr Street north of Elizabeth Street. The City owns the adjacent property which is the Spy Run Creek bank.

Please request a quit claim deed from I & M for one half of Barr Street. As I expressed some time ago to the City Plan Commission, it is the policy of the Park Department "to save and preserve our major natural land and water resources including the rivers, riverlands, drainage patterns, large open spaces on the City periphery and smaller natural spaces within the City." We attempt to acquire land in this manner, by bits and pieces, in an attempt to achieve the goal of a continuous river/stream greenway.

RCA/jml



City of Fort Wayne



ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING
ONE MAIN STREET
Rm. 740

FORT WAYNE, INDIANA 46802

March 22, 1976

General Telephone Company of Indiana
Indiana & Michigan Electric Company
Northern Indiana Public Service Company

We have received a petition to vacate the following:

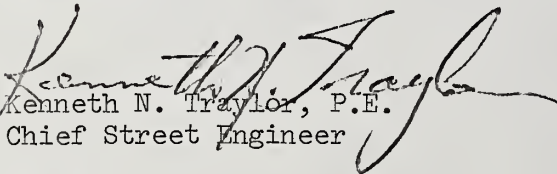
✓ Barr Street from the north property line of Elizabeth Street to its northern terminus, also being the south line of said Barr Street previously vacated.

Vermont Avenue from the east property line of Coliseum Boulevard North to the west property line of Inwood Drive.

Sixteen (16) foot wide utility easement over the east eight (8) feet of Lots #20 & #21 and the east eight (8) feet of Lot #19, except the north 40 feet, and the west eight (8) feet of Lot #22 and the west eight (8) feet of Lot #23, except the north 16.5 feet, all in Hanna Creighton Subdivision, Section 2, as recorded in Plat Book 31, Page 89.

Please check your easement requirements on the enclosed post cards and return to us as soon as possible.

Sincerely,

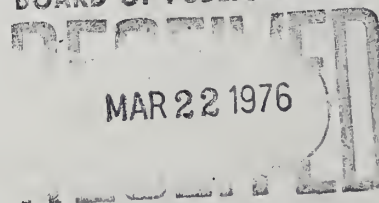

Kenneth N. Traylor, P.E.
Chief Street Engineer

KNT/mf

Encs.

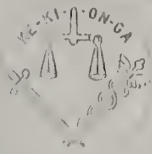
CC: Board of Public Works
B.O. #158-75, #160-75 & #161-75

BOARD OF PUBLIC WORKS



NOTED

N.P.W.
H.P.W.
E.H.L.
M.G.S.
Date _____



THE CITY OF FORT WAYNE

engineering department
7th floor, city-county building
one main street, fort wayne, indiana 46802

March 22, 1976

Patsie Rumsey
City Plan Department

Tom Manny
Traffic Engineer

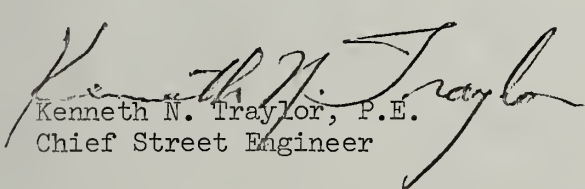
Please submit your opinion and recommendation on the following proposed vacations:

Barr Street from the north property line of Elizabeth Street to its northern terminus, also being the south line of said Barr Street previously vacated.

Vermont Avenue from the east property line of Coliseum Boulevard North to the west property line of Inwood Drive.

Sixteen (16) foot wide utility easement over the east eight (8) feet of Lots #20 & #21 and the east eight (8) feet of Lot #19, except the north 40 feet, and the west eight (8) feet of Lot #22 and the west eight (8) feet of Lot #23, except the north 16.5 feet, all in Hanna Creighton Subdivision, Section 2, as recorded in Plat Book 31, Page 89.

Sincerely,


Kenneth N. Traylor, P.E.
Chief Street Engineer

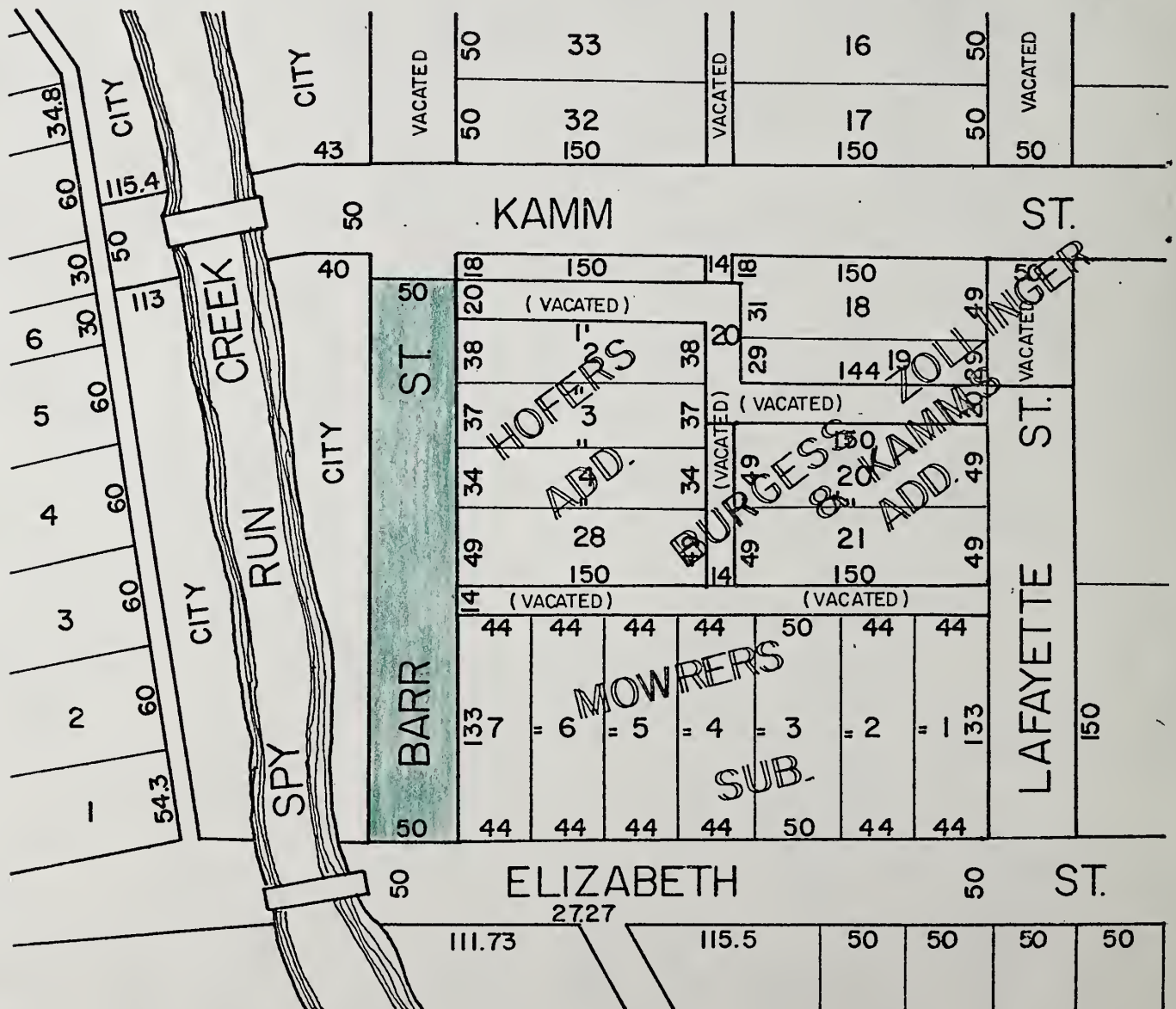
KNT/mf

Encs.

CC: Board of Public Works
B.O. #158-75, #160-75 & #161-75

PORTION OF STREET TO BE VACATED

SCALE
1" = 100'



M E M O R A N D U M

DATE: September 30, 1975

TO: Board of Works
Ron Bonar
Tom Manny
Bob Arnold
John Kent

FROM: Patsie - City Plan

SUBJECT: Vacation of a portion of Barr Street

Petitioners are requesting the vacation of that Portion of Barr Street extending north from the north right-of-way of Elizabeth Street to the north right-of-way of the east-west alley, south of vacated Kamm Drive.

1. See attached map
2. See attached previous memos regarding this vacation
3. Please submit your comments and recommendations

Thanks

Patsie

M E M O R A N D U M

DATE: February 24, 1975

TO: Ken Traylor - Street Engineering

FROM: Patsie Rumsey - City Plan

SUBJECT: Your memo dated Feb. 19, 1974 regarding the following vacation:
The Second alley north of Elizabeth Street
The first alley north of Elizabeth Street
the Alley between Barr Street and Lafayette Street
Lafayette Street running north from Elizabeth Street
(See attached maps)

Have attached copies of the minutes from the meeting held October 21, 1974, in which the Plan Commission gave approval to these vacations of alleys and street.

The original petition submitted also covered the vacation of Barr Street from the North property line of Elizabeth Street to the south right-of-way line of Vacated Kamm Street.

Because of questions arising from the Park Board concerning the river bank, Barr Street was eliminated from this petition.

Mr. Chuck Cogdell, attorney representing the Indiana and Michigan Elect. Company, is now preparing to submit a new petition for the vacation of Barr Street.

I talked to Mr. Cogdell on Tuesday, Feb. 19, 1975, and he said that he had discussed this vacation with Engineering Departments - they were aware of the vacation of these alleys and street.

Due to a discrepancy (mine, naturally) a memo requesting comments and recommendations concerning the above vacations was not submitted to the Engineering Departments.

Patsie

copies to:

Ron Bonar
Tom Manny
Board of Works
(Board No. 210-74)

Memorandum

To Ron Bonar

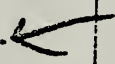
Date Feb. 27, 197

From D. L. Foland

Subject VACATION OF STREETS AND ALLEYS NORTH OF ELIZABETH STREET AND
EAST OF SPY RUN CREEK

COPIES TO:

Board of Public Works

City Plan Comm. 

M. Mendel

K. Traylor

File

This is to advise that we presently have in existence a 4" water main in Barr Street, Kamm Street, and Lafayette Street, all north of Elizabeth Street. Part of this main is within the previously vacated Kamm Street, and that portion of Lafayette Street previously vacated south of Kamm Street.

A routing has already passed through this office regarding the necessity of retaining easements for the proposed vacations, on which routing I have indicated that we would require an easement retained for the water main on Lafayette Street. At this point I do not recall receiving a routing for the vacation of Barr Street, however if that should take place we will likewise require an easement retention for it.

We have no mains within the various alleys which are proposed for vacation, therefore no easements for water facilities will be required over those alleys.

With regard to the overall vacation program within this area, I believe it might be advantageous for the Fort Wayne Water Utility to come to some agreement with Indiana & Michigan Electric whereby the mains on Barr, Kamm and Lafayette Streets would be abandoned to I&M. This would relieve us of future maintenance on these mains for which we would no longer have a need. I would presume that I&M may consider fencing the area in as they have the remaining portion of their property, therefore it would also relieve us of the liability for damages to their property and our facilities, should these mains fail. I would therefore propose some arrangement similar to that which we set up between the Utility and Essex Wire when those streets were vacated, and those mains within the Essex complex were abandoned to them.

If additional information is desired or required, I would be happy to provide it or discuss the matter with you.



D. L. Foland, P.E.
Chief Water Engineer

DLF/iw

Memorandum

To Patsie Rumsey, City Plan

Date April 2, 1975

From Ron Bonar

Subject Vacation of Second Alley North of Elizabeth, First Alley North of Elizabeth and the Alley between Barr and Lafayette, and Lafayette Running North from Elizabeth Street

COPIES TO:

These requests have been reviewed by the engineering departments, and we offer the following comments:

WATER ENGINEERING

Several water mains exist within the streets and special arrangements need to be made with the water utility regarding their abandonment and/or service.

WPC ENGINEERING

Sewers exist in several of the existing streets and alleys, and easements will be required as follows:

- A..East/West alley along north side of Mowery Sub.
- B. North/South alley between Lafayette and Barr.
- C. That portion of Lafayette Street representing the easterly extension of the fourteen foot alley north of Mowery Sub -
A. above.

STREET AND TRAFFIC ENGINEERING

A special agreement regarding vacations and future plans for expansion in this general area is being negotiated directly with I & M. This should be consummated prior to approval.

STREET LIGHT ENGINEERING

No objections

I trust this communicates the engineering departments' comments.

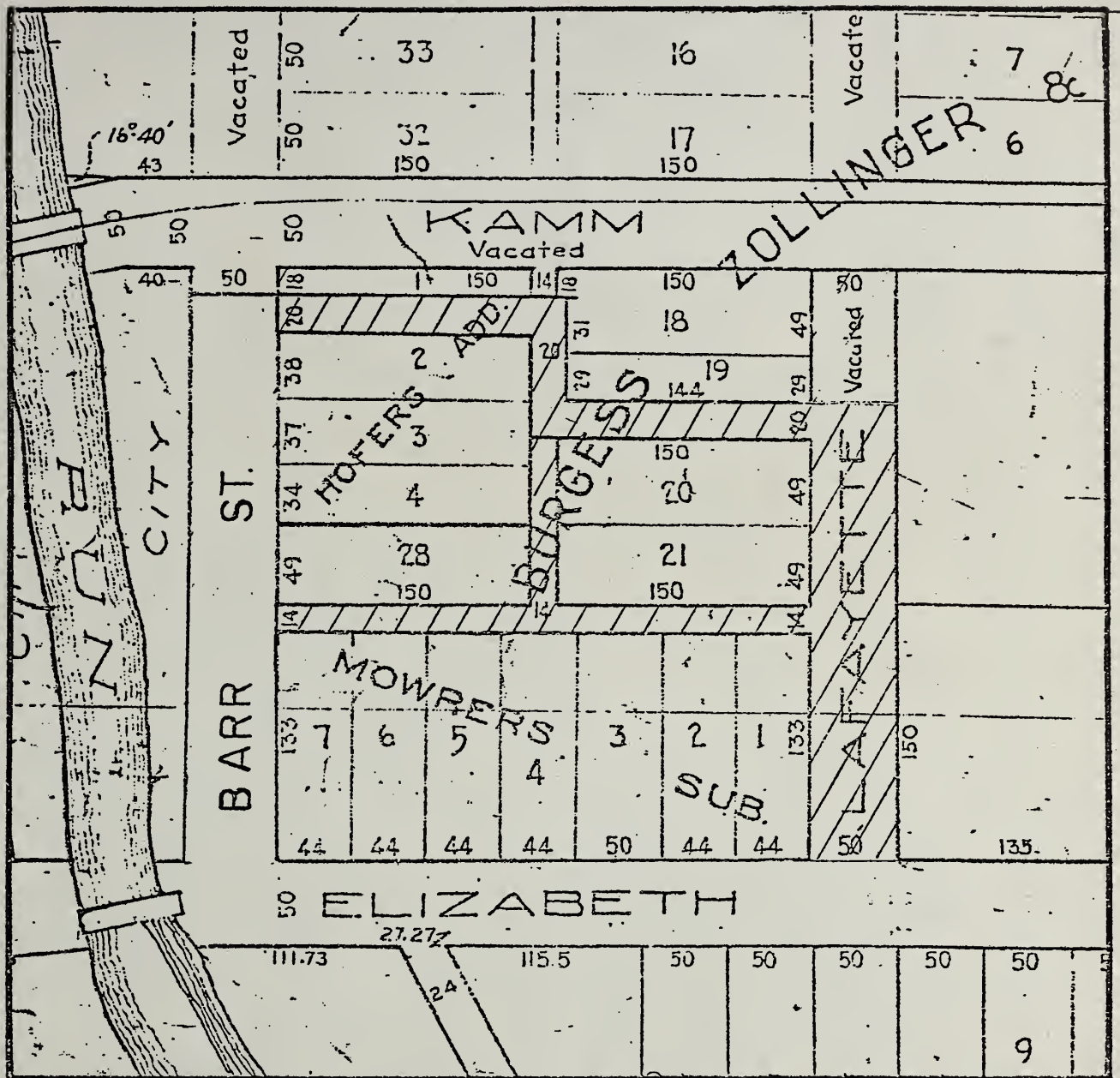
Ron
Ron Bonar

RB/st

RECEIVED

APR 3 1975

FORT WATKINS CITY
PLAN COMMISSION



STREETS and ALLEYS TO BE VACATED

- b. Barr Street and Lafayette Street, extending north from Elizabeth Street. East-west alleys located between Barr Street and Lafayette Street.

Mr. Charles Cogdell, attorney representing the petitioners, appeared before the Commission. Mr. Cogdell then described the area and location. He stated this vacation is for a "sub-station" for Indiana and Michigan Electric Company.

There was considerable discussion regarding the vacation of Barr Street as access to the river bank and Park property. Mr. John Kent, Assistant Planner in the Division of Current Planning, stated that he had not had enough time to make a study of this vacation in regards to the property belonging to the Park Board.

Mr. Bonar questioned fencing around the substation.

Following further discussion, a motion was made by Mrs. Ver Wiebe, seconded by Mr. Offerle, that this vacation petition be amended to exclude Barr Street. It was then suggested that Barr Street be submitted at a later date following a study by Mr. Kent.

Motion was duly carried.

- c. The north-south alley extending south from Douglas Avenue to Brackenridge Street - lying east of Calhoun Street.

Mr. Tim Gifford, attorney representing the Lincoln National Life Insurance Company appeared before the Commission. Mr. Gifford described the area and location and pointed out this is for the expansion of the Lincoln Life Insurance Company.

Following discussion, motion was made by Mr. Bonar, seconded by Dr. Boswell and duly approved that this vacation be approved as submitted.

- d. A portion of Yale Avenue, extending east from Stanford Avenue to Cambridge Blvd., located south of Harvard Blvd.

Mr. Bruce Stevens, 2805 Cambridge Blvd. appeared before the Commission. Mr. Stevens stated that he, along with three other abutting property owners were the petitioners. He explained this is unimproved and has never been opened. He then stated that he wishes to attach a two car garage to the north side of his existing house, the the yard requirements are not sufficient. With the vacation of the street, this would be possible. He explained this street is used as a pathway for the school children, and for a number of people that work and shop in Gateway Plaza Shopping Center. He did explain that this vacation would not prevent them from using this as a pathway, and the abutting property owners had no objection to this use.

Following discussion, motion was made by Mr. Gerson, seconded by Mr. Offerle, and duly approved that this vacation be approved as submitted.



THE CITY OF FORT WAYNE

October 21, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Lafayette Street, extending north from Elizabeth Street.

The first and second east-west alleys lying north of
Elizabeth Street, and extending west from Lafayette Street
to Barr Street.

The north-south alley lying east of Barr Street and west
of Lafayette Street.

which was approved by the City Plan Commission at its regular meeting
held October 21, 1974.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of October, 1974.

Thomas J. Offerle
Secretary

TITLE OF ORDINANCE Street and alley vacation ordinance

(CITY PLAN COMMISSION)

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

DEPARTMENT REQUESTING ORDINANCE Division of Long Range Planning and ZoningSYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of thefollowing street and alleys:Lafayette Street, extending north from Elizabeth Street/ The first and secondeast-west alleys lying north of Elizabeth Street, and extending west fromLafayette Street to Barr Street / The north-south alley lying east of BarrStreet and west of Lafayette Street. (See legal description on petition)EFFECT OF PASSAGE Street and alleys, when vacated, will be utilized bythe petitioners - Indiana and Michigan.EFFECT OF NON-PASSAGE Street and alleys will remain as is.MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

PETITION FOR VACATION OF STREET

Fort Wayne, Indiana

TO: Plan Commission of the City of Fort Wayne
The Common Council of the City of Fort Wayne
The Board of Public Works of the City of Fort Wayne

Gentlemen:

Indiana & Michigan Electric Company, owner of real estate in the City of Fort Wayne, Allen County, Indiana, described as follows:

Lots numbered 1, 2, 3, 4, 5, 6 and 7 of Mowrer's Subdivision; lots numbered 1, 2, 3 and 4 of Hofer's Addition; and lots numbered 18, 19, 20, 21 and 28 of Burgess, Zollinger & Kamm's Addition, all to the City of Fort Wayne, Indiana; and that parcel of land immediately east of Lafayette Street, bounded on the north by vacated Kamm Street, the east by Spy Run Avenue, the south by Elizabeth Street and the west by Lafayette Street and partially vacated Lafayette Street,

constituting all the real estate abutting on both sides of that portion of the streets and alleys herein sought to be vacated, respectfully petitions and requests that:

1. The Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following described portions of streets and alleys within the City of Fort Wayne, Allen County, Indiana, to-wit:

That portion of Lafayette Street from the north right-of-way line of Elizabeth Street, north to the easterly extension of the north line of the alley lying south of Lot #19 of Burgess, Zollinger & Kamm's Addition. The northerly terminus also being the south line of said Lafayette Street previously vacated.

An alley, twenty (20) feet wide, extending from the east right-of-way line of Barr Street; thence easterly between Lots #1 and #2 of Hofer's Addition to the west line of Lot #18 of Burgess, Zollinger & Kamm's Addition; thence southerly to the westerly extension of the north line of Lot #20 in Burgess, Zollinger & Kamm's Addition; thence easterly between Lots #19 and #20 of Burgess, Zollinger & Kamm's Addition to the west

right-of-way line of Lafayette Street.

An alley, fourteen (14) feet wide, between Barr Street and Lafayette Street, lying west of Lots #20 and #21 in Burgess, Zollinger & Kamm's Addition.

An alley fourteen (14) feet wide, between Barr and Lafayette Streets lying north of Mowrer's Subdivision.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-744).

2. Upon determination that the vacation of said public streets and alleys hereinabove described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana, the Fort Wayne City Plan Commission approve the vacation of the said public streets and alleys hereinabove described pursuant to the provisions of the above-mentioned statute.

3. The Common Council of the City of Fort Wayne enact an ordinance to amend the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council on November 26, 1963, by authorizing the vacation of said public streets and alleys hereinabove described in accordance with the terms of Section 42, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-742), and the aforementioned Section 44 of Chapter 174 of the Acts of 1947.

4. The Board of Public Works of the City of Fort Wayne pass a resolution providing for the vacation of said streets and alleys as hereinabove described in accordance with the terms of Section 93, Chapter 129 of the Acts of 1905, as amended by Section 8, Chapter 188 of the Acts of 1909 and Section 1, Chapter 85 of the Acts of 1913 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-1902) and Section 97, Chapter 129 of the Acts of 1905 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-2001).

Respectfully submitted,

INDIANA & MICHIGAN ELECTRIC COMPANY

By: 

Charles R. Cogdell

LIVINGSTON, DILDINE, HAYNIE & YODER
425 Lincoln Bank Tower
Fort Wayne, Indiana
Attorneys for Indiana &
Michigan Electric Company

R E S O L U T I O N

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public streets and alleys in Allen County, Indiana, to-wit:

That portion of Lafayette Street from the north right-of-way line of Elizabeth Street, north to the easterly extension of the north line of the alley lying south of Lot #19 of Burgess, Zollinger & Kamm's Addition. The northerly terminus also being the south line of said Lafayette Street previously vacated.

An alley, twenty (20) feet wide, extending from the east right-of-way line of Barr Street; thence easterly between Lots #1 and #2 of Hofer's Addition to the west line of Lot #18 of Burgess, Zollinger & Kamm's Addition; thence southerly to the westerly extension of the north line of Lot #20 in Burgess, Zollinger & Kamm's Addition; thence easterly between Lots #19 and #20 of Burgess, Zollinger & Kamm's Addition to the west right-of-way line of Lafayette Street.

An alley, fourteen (14) feet wide, between Barr Street and Lafayette Street, lying west of Lots #20 and #21 in Burgess, Zollinger & Kamm's Addition.

An alley fourteen (14) feet wide, between Barr and Lafayette Streets lying north of Mowrer's Subdivision,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on October 21, 1974, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alleys;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and alleys hereinbefore described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and

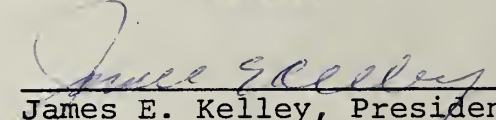
BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street and alley hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, JAMES E. KELLEY, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on October 21, 1974, and as the same appears of record in the official records of said Plan Commission.

DATED THE 21st DAY OF October, 1974.


James E. Kelley, President
Fort Wayne City Plan Commission

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

Max Van Camp

B.O. 161-75

Date February 16, 1977 64-128-6

To KEN TRAYLOR, Street Engr. Dept.

Subject Dec. Res. No. 1421-77 Vac. of Barr Street

Approved and adopted.

Waiver received and signed by property owner.

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages. Property Ownership List is attached.

H. P. WEHRENBURG
E. H. LAMAR
M. G. SCOTT
BOARD OF PUBLIC WORKS

ajf

attachment

NOTED

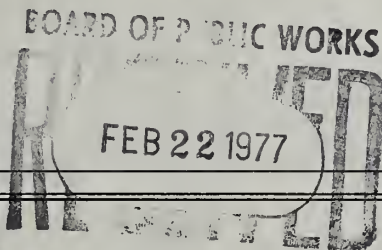
☐ H

☐ E

☐ G. A. S.

Signed

Reply:



Date

February 22, 1977

Attached, please find Assessment Roll of Benefits and Damages for Declaratory Resolution No. 1421-76.

Howard A. Biggs
Howard A. Biggs
City Engineer

RECEIVED

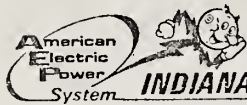
FEB 17 1977

STREET ENGINEERING
DEPARTMENT

64-134-8 2/23/77

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

WAIVER

The undersigned Indiana & Michigan Electric Company, the owner of all property which may be injuriously or beneficially effected by the proposed vacation of a street described as follows to wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated,

does hereby waive any and all rights it may have to receive notice of such resolution from the Board of Public Works of the City of Fort Wayne, Indiana, either by publication or otherwise, and does waive its right to a hearing on said resolution and its right to file or present in any way any remonstrance against the action taken by said Board under said resolution, and it does agree that said Board may take such final action as it may deem appropriate on said resolution either confirming, modifying, or rescinding said resolution, and that such action so taken shall be final and conclusive upon said Indiana & Michigan Electric Company.

Date: February 16, 1977

Indiana & Michigan Electric Company by

Richard C. Menge
Richard C. Menge
Vice President

Attest:

Cedric L. Mast
Cedric L. Mast
Assistant Secretary

DECLARATORY

Improvement Resolution No 421-76 For THE VACATION OF BARR STREET FROM THE NORTH PROPERTY LINE OF ELIZABETH STREET TO ITS

NORTHERN TERMINUS, ALSO BEING THE SOUTH LINE OF BARR STREET PREVIOUSLY VACATED

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	INDIANA MICHIGAN ELECTRIC CO	2101 WYOMING AVE.	7			M. WEDS SUB
2	" " " "	" " " "	28	W. B. B. B.		BURGESS, ZOLLINGER, KANIS ADD
3	" " " "	" " " "	4			HOFER'S AD
4	" " " "	" " " "	3			
5	" " " "	" " " "	2	W. B. B. B.		
6	CITY OF FORT WAYNE	ONE MAIN ST.	FACE			PT 34 35 1/2 W. B. B. B. - N. of Elphinstone
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1421-77

Bo 161-75